

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division/Planning Branch

Ref.:FB:TC

File: MA-1013

MEMORANDUM

To: Genevieve Salmonson, Director
Office of Environmental Quality Control

From: Dean Y. Uchida, Administrator 
Land Division, Department of Land and Natural Resources

Subject: Final Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for Wood Single Family Residence (SFR) in the Conservation District at TMK parcel [3] 1-5-010:025, Maku'u, Puna, Hawaii

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on October 23, 1998 for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the April 8, 2001 OEQC Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA for the project. Comments on the draft EA were sought from relevant county agencies, and were included in the final EA.

Please contact Traver Carroll of our Planning Branch at 587-0439 if you have any questions on this matter.

Enclosures

cc: Greg Mooers

APR 8 2001

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2001-04-08-HI-FEA-

**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT
(WOOD SINGLE-FAMILY HOME)**

TMK (3rd): 1-5-10:25
Maku'u, Puna, Hawai'i Island, State of Hawai'i

March 2000

Prepared for:

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

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

TMK (3rd) 1-5-10:25
Maku'u, Puna District, Island of Hawai'i, State of Hawai'i

APPLICANT:

Donald E. and Susan M. Wood
C/o Gregory R. Mooers
P.O. Box 1101
Kamuela, Hawaii 96743

**ACCEPTING
AUTHORITY:**

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

CONSULTANT:

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Keaau, Hawaii 96749

CLASS OF ACTION:

Action in Conservation District

This document is prepared pursuant to:

The Hawaii Environmental Protection Act,
Chapter 343, Hawaii Revised Statutes (HRS), and
Title 11, Chapter 200, Hawaii Department of Health Administrative Rules (HAR).

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SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Project Summary

The 5.43-acre property is located in the ahupua`a of Maku`u in the Puna District. It is bordered by a cliffed shoreline and the Old Government Road, an unpaved State road that extends between Hawaiian Paradise Park and Hawaiian Beaches. For many years the land has been used for grazing, and the landscape on this (and adjacent properties) consists of pasture with clumps of non-indigenous trees. Cattle walls are present within and surrounding the property. The owners plan to build a single-family home and associated improvements, including an Individual Wastewater System, a gazebo, a studio, a barn, a driveway, a 2-car garage, and landscaping. They plan to set all structures a minimum of 150 feet inland from the edge of the cliff in an area of pasture and guava trees. Minimal disturbance of natural and man-made features on the property will occur, with vegetation removal mainly limited to the guava shrubs where the structures will be located. A minimal amount of landscaping will be planted near buildings in order to block wind and have the home blend in with its surroundings. Access is via the existing unimproved Old Government Road. Electricity would be provided by an individual generator and/or solar system. The approximate cost of the improvements is \$350,000, and all funding is private (no public funds are involved).

Short Term Impacts

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

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

Long Term Impacts

No sensitive biological, hydrological, or cultural gathering resources are present on the parcel. The shoreline in this area of Puna in general is used for fishing and gathering. Historic-era cattle walls and possible remnants of a former house site are present in the southeastern corner of the parcel. The project has been surveyed for historic sites by the Hawaii Island archaeologist for the State Historic Preservation Division. It is expected that SHPD will indicate to the Hawaii State Board of Land and Natural Resources that, given CDUP conditions requiring no disturbance to the rock cattle walls and associated features on the southeast corner of the property, no adverse effect to significant historic sites will occur. The following will be implemented in order to ensure no adverse impacts to historic sites or traditional fishing, gathering and access rights:

Mitigation Measure: No disturbance will be allowed to the rock features on the southeastern corner of the parcel without consultation with and concurrence from SHPD, in order to avoid potential adverse effects to significant historic sites, should any be present. The features will be marked and protected with orange plastic fencing during construction of the driveway and home. Furthermore, if any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation. Furthermore, the applicant will not obstruct access or otherwise hinder fishing, gathering, ceremonial or other traditional activities along the shoreline.

PART 1: PROJECT DESCRIPTION

1.1 Project Description and Location

The project consists of construction of a single-family home in the Resource Subzone of the State Land Use Conservation District. The 5.43- acre coastal parcel, owned in fee by Donald E. and Susan M. Wood, is identified by TMK (3rd) 1-5-10:25, and is within the ahupua'a of Maku'u in the Puna District on the Island of Hawaii, about 1.25 miles southeast of Maku'u Drive (Figs. 1-2).

The property is bordered by a cliffed shoreline and the Old Government Road, a State unpaved road that extends between Hawaiian Paradise Park and Hawaiian Beaches. For many years the land has been used for grazing, and the landscape on this (and adjacent properties) consists of pasture with clumps of non-indigenous trees. Cattle walls are present within and surrounding the property (see Fig. 3 for site photos). The owners plan to build a single-family home and associated improvements, including an Individual Wastewater System, a gazebo, a studio, a barn, a driveway, and a 2-car garage (Figs. 4-5). They plan to set all structures a minimum of 150 feet inland from the edge of the cliff in an area of pasture and guava trees. Minimal disturbance of natural and man-made features on the property will occur, with vegetation removal mainly limited to the guava shrubs where the structures will be located. A minimal amount of landscaping will be planted near buildings in order to block wind and have the home blend in with its surroundings. Access is via the existing unimproved Old Government Road. Electricity would be provided by an individual generator and/or solar system. The approximate cost of the improvements is \$350,000, and all funding is private (no public funds are involved).

1.2 Summary of Regulatory Requirements

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

This study has concluded that no significant impacts would occur from implementation of the proposed action, and that it is appropriate to issue a FONSI.

1.3 Public Involvement and Agency Coordination

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

County:

Planning Department County Council
Department of Water Supply

State:

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

Private:

Sierra Club
Hawaiian Paradise Park Hui Hanalike (Community Association)

Copies of communications received during preconsultation are contained in Appendix 1A. Seven letters were received in response to the Draft EA during the 30-day comment period that ended February 7, 2001. The comment letters and responses to them are included in Appendix 1B. Information from these letters was added for the Final EA; such information is underlined with dotted lines in the text of the Final EA.

PART 2: ALTERNATIVES

2.1 Proposed Project

The proposed project is described in Section 1.1 above and illustrated in Figures 4-5.

2.2 No Action

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

No other Alternatives have been considered by the Wood family or are addressed in this EA.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

3.1 Basic Geographic Setting

The proposed home site comprises 5.43 acres extending from a sea cliff to the Old Government Road, at an elevation of approximately 30 feet above mean sea level (Fig. 1). It is adjacent to an occupied home site to the north, and is surrounded by Hawaiian Home Lands to the east and south. These Hawaiian Home Lands are currently being used for cattle ranching. The site is about 1.25 miles from Maku'u Drive, the nearest paved road, in the Hawaiian Paradise Park subdivision. The town of Pahoa is about ten miles away by road. The surface geology consists of 400–750 year old pahoehoe lava. Maku'u Hill, a 750–1500 year old littoral cone, lies on adjacent lands to the southeast. The topography is relatively flat and the area is primarily vegetated with introduced grasses and trees such as Ironwood (*Casuarina equisetifolium*), coconut (*Cocos nucifera*), Kamani (*Calophyllum inophyllum*) Chinese Banyan (*Ficus microcarpa*), and Guava (*Psidium guajava*) (see Fig. 3 for site photos). Annual rainfall averages approximately 100 inches (U.H. Hilo-Geography 1998:57).

3.2 Physical Environment

3.2.1 Drainage, Flooding and Hazards

Environmental Setting

The project site is designated “X”, defined as areas outside the 500 year floodplain, on the Flood Insurance Rate maps (FIRM). Maps printed by the Hawaii County Civil Defense Agency locate the parcel in the area that should be evacuated during a tsunami warning.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 3 (on a scale of ascending risk 9 to 1). In Zone 3, approximately 1-5 percent of the land area has been covered by lava flows since 1800, but more than 75 percent has been covered in the last 750 years. As such, there is modest risk of lava inundation over short time scales on the subject property.

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

Impacts and Mitigation Measures

In general, geologic and drainage conditions impose no substantial constraints on the project. All structures will conform to the Uniform Building Code. Although the project is located in an area exposed to a certain amount of hazard from tsunamis, lava flows and earthquakes, the project presents no additional hazard to the public and is not imprudent for the landowner.

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

Flora and Fauna

The site was inspected for biological resources in August 2000, with special attention to the presence of *Ischaemum byrone*, a State and federally listed endangered grass known to grow in the general area. The understory vegetation was dominated by introduced grasses, especially Bermuda grass (*Cynodon dactylon*). The most abundant trees were the alien Ironwood, Coconut, Kamani, Chinese banyan, and Guava. The unusually large size of some Kamani trees was notable.

The site does not appear to contain any valuable ecosystems, or to offer suitable habitat for or harbor any such species. In particular, no *Ischaemum byrone* was found on or near the property, perhaps because of the history of grazing and the greater soil cover compared to areas on which this grass is usually found. No listed, candidate or proposed endangered animal or plant species were found or would be expected in the area. In terms of conservation value, no botanical or zoological resources requiring special protection are present. The Hawaii State Department of Land and Natural Resources, which was consulted during preparation of this Draft EA, stated in a letter of 25 September 2000 that it found "no special environmental conditions or impacts related to the proposed project" (App. 1A). A Division of Conservation and Resources Enforcement officer visited the property on January 14, 2001, and verified that no project work had been initiated and that the applicant's description of the property was accurate (see App. 1B letter from DOCARE).

Impacts and Mitigation Measures

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

3.2.3 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in the windward coastal Puna area is minimal, and is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a

volcanic haze (vog) that occasionally blankets the district. The persistent tradewinds keep this area relatively free of vog for most of the year.

Noise on the site is very low and is almost exclusively derived from natural sources, especially waves crashing on the lava shoreline. The hum of a home electricity generator can occasionally be heard in the distance.

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

Impacts and Mitigation Measures

The project would not affect air quality or noise levels, except for very minor and brief effects during construction. No substantial impact to scenery is expected because the home will occupy a relatively small portion of the site and the landscaping will blend with the surroundings.

3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions

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

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

3.3 Socioeconomic and Cultural

3.3.1 Land Ownership and Land Use, Designations and Controls

Existing Environment

The subject property is owned by Don and Susan Wood. Surrounding land is owned by a private landowner and the Hawaiian Homelands Commission. Currently the subject parcel and surrounding areas within 200 feet do not contain structures. The general area is used for cattle grazing and recreation.

Zoning is Agricultural, 1-acre minimum lot size (A-1a). The State Land Use District is Conservation, and the Subzone is Resource. The Land Use Pattern Allocation Guide Maps identify the area as Open. The site is within the Special Management Area.

Construction of a single-family home within such designations is permitted if a Conservation District Use Permit and a Special Management Area Use Permit are obtained. This Environmental Assessment is part of the process for obtaining the permits. The consistency of the project with the regulations and policies of the Conservation District and Special Management Area are discussed in Section 3.7. The Shoreline Setback for this parcel is 40 feet from the edge of the certified shoreline. As all structures are planned to be set back a minimum of 150 feet inland from the edge of the cliff, the Hawaii County Planning Department has determined that a certified shoreline survey is not required (see December 11, 2000 letter in App. 1B).

3.3.2 Socioeconomic Characteristics

Existing Environment: Social Characteristics

The project site is within the ahupua'a of Maku'u in the Puna District of the island of Hawai'i. Partially because of low land prices, population growth has been rapid in the Puna District for at least the last 30 years. Current estimates of the population density in this portion of lower Puna range from 501 -- 1500 people/square mile. Census data reveals that the racial mix of this area is 25-50% Caucasian, 10-25% Hawaiian, 10-25% Japanese, and less than 10% each of Chinese and Filipino. The 1990 median income was \$20,000--30,000. This is relatively low compared to the statewide average of \$43,176. Unemployment in the Puna District is relatively high compared to statewide averages.

Coastal recreation, especially fishing, are important activities in the Puna District, and preservation of access to coastal areas is vital for maintaining the recreational opportunities of Puna residents. No lateral or mauka-makai coastal access trails are present on the parcel.

Impacts and Mitigation Measures

This project does not impede shoreline or road access and will not interfere with this coastal recreation. No adverse socioeconomic effects would result.

3.3.3 Archaeology, Historic Sites and Cultural Setting

Archaeology: Environmental Setting, Impacts and Mitigation Measures

The site was inspected for archaeological resources by an archaeologist with the State Historic Preservation Division (SHPD) in October of 2000. Historic-era cattle walls and possible remnants of a former house site were noted in the southeastern corner of the parcel, some of which may be significant historic sites. SHPD did not comment on the Draft EA, but verbal discussions indicate that the agency is expected to inform the

Hawai'i Board of Land and Natural Resources that, given CDUP conditions requiring no disturbance to the rock cattle walls and associated features on the southeast corner of the property, no adverse effect to significant historic sites will occur. The following will be implemented in order to ensure no adverse impacts to historic sites.

Mitigation Measure: No disturbance will be allowed to the rock features on the southeastern corner of the parcel without consultation with and concurrence from SHPD, in order to avoid potential adverse effects to significant historic sites, should any be present. The features will be marked and protected with orange plastic fencing during construction of the driveway and home. Furthermore, if any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

Traditional Cultural Practices: Environmental Setting, Impacts and Mitigation Measures

The traditional cultural value of the land on which the parcel is located was assessed by determining whether the property supported any traditional gathering uses, was vital for access to traditional cultural sites, or had other important symbolic associations for native Hawaiians. Two native Hawaiians with direct ties to the area were interviewed. Puanani Mukai is the current guardian of the adjacent parcel to the northeast. Frank Kamahale spent much of his childhood in the area, beginning in 1938. He is the nephew of Ulrich "Sonny" Kamahale, who was born near the Wood property in the 1920's, and has lived in the area more or less continuously since then.

Frank Kamahale noted that the use of this area in the early and middle 20th century was centered on farming, ranching, and fishing. Access to the ocean was much easier at that time because the Maku`u cinder cone sloped gently to the rocky beach and was covered with grass. Wave action has since created a steep cliff above the beach, and most fishing is now done from the cliffs. He acknowledged that land-owners in the area have always allowed fishermen access to the cliffs, but does not recall any particular trails or access routes. Mr. Kamahale remembers a house belonging to an old Chinese farmer beneath the large Kamani trees on the Wood property. This man grew cucumbers and melons on large mounds of soil he created throughout the property. More recently, the neighboring Lee ranch has allowed cattle to graze there.

Mr. Kamahale recalled that the coastal area was sparsely populated, partly because the nearest train station was more than a two-mile walk away. The development of the Hawaiian Paradise Park subdivision in the early 1960s connected the Old Government Road (Beach Road) to the current Keaau-Paho Highway and made access to the area much easier. According to both Mr. Kamahale and Ms. Mukai, there do not appear to be any biological, geological or other resources on the Wood parcel that are important for traditional gathering, nor are there any other sites with traditional cultural significance. Neither of them could think of any possible adverse cultural impacts to the area as a

result of construction of the Wood single family home. Nevertheless, this report and the recommendations contained herein include the presumption that the practice of traditional gathering rights in the areas near the property, including the shoreline in front of and directly adjacent to the parcel, is ongoing and important.

Therefore, the project has been designed to avoid any obstruction or hindrance to the exercise of such practice. The proposed project would not directly or indirectly block any public road or trail, and no mauka-makai trails will be disturbed or impeded.

Mitigation Measure: The applicant will not obstruct access or otherwise hinder fishing, gathering, ceremonial or other traditional activities on the shoreline in front of or adjacent to the parcel.

3.4 Public Facilities

The site is served by an unpaved State road, and is not served by water, sewer, electricity or telephone service (see letters from Hawaii County Department of Water Supply, and Hawaii County Department of Public Works in App. 1A and 1B). No impact upon public services is expected as a result of the action.

3.5 Secondary and Cumulative Impacts

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

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. No large-scale development projects are in progress or planned for the area. No special mitigation measures should be required to counteract the small adverse cumulative effect.

3.6 Required Permits and Approvals

Construction of the project would require the following:

County of Hawaii:

Special Management Area Permit (or Exemption)
Building Permit

State of Hawaii

Conservation District Use Permit

3.7 Consistency With Government Plans and Policies

3.7.1 Consistency with CD/SMA Rules, Guidelines and Objectives

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

- The objective of the Resource Subzone of the Conservation District is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. The proposed action is a properly managed use that avoids any short-term effect on sensitive environmental resources and will protect the sustained use of the natural resources of the area. A single-family residence that conforms to the design standards of Chapter 13-5, Hawaii Administrative Rules (HAR), Exhibit 4, is an identified land use within the Resource Subzone (13-5-24, R-8, HAR) and is consistent with the purpose of the district. The proposed single-family home and accessory activities and structures meet all criteria of Exhibit 4 in terms of lot size, minimum setbacks, maximum developable area, maximum heights, and compatibility provisions.
- The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management." Single-family residences may be determined by the Planning Director to be an exempt action under the County's Special Management Area (SMA) guidelines. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, or coastal hazards. The applicant has filed an SMA Use Permit Assessment Application request with the Planning Department, and a single-family exemption has been granted (see App. 1B).
- The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region. The construction activities of this single-family residence will be confined to the owners' lot and will not have any adverse impact on the natural resources of the area, community or region.
- The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved and improved upon. The physical beauty of the lot will be improved with the removal of unwanted, noxious alien plants and the installation of landscaping.

- Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District. The proposed action will not subdivide the property and will not lead to any increase in intensity of use beyond the permitted single family residence.

PART 4: DETERMINATION

The Hawai'i State Department of Land and Natural Resources has determined that the proposed project will not significantly alter the environment, as impacts will be minimal, and that Environmental Impact Statement is not warranted. Therefore, it has issued a Finding of No Significant Impact (FONSI).

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawaii Administrative Rules, outlines those factors agencies must consider when determining whether a project has significant effects:

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resource would be involved, committed or lost.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State's long term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will not have any substantial effect on the economic or social welfare of the Puna community or State.
5. *The proposed project does not substantially affect public health in any detrimental way.* The project will not affect public health and safety in any way. The Individual Wastewater System will ensure that wastewater is properly treated and no adverse effects to water quality occur.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* As the project involves only one single-family home, no secondary effects are expected.

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

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

REFERENCES

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- Heliker, C. 1990. *Volcanic and Seismic Hazards on the Island of Hawaii*. Washington: U.S. GPO.
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- Wolfe, E.W., and J. Morris. 1996. *Geologic Map of the Island of Hawaii*. USGS Misc Investigations Series Map i-2524-A. Washington, D.C.: U.S. Geological Survey.

APPENDIX 1A

COMMENT LETTERS

FROM AGENCIES AND ORGANIZATIONS

IN RESPONSE TO PRE-CONSULTATION



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

September 20, 2000

Ron Terry, Ph.D.
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Keaau, HI 96749

**PRE-CONSULTATION ON ENVIRONMENTAL ASSESSMENT FOR CONSTRUCTION OF
A SINGLE FAMILY DWELLING AT MAKU'U, PUNA DISTRICT, ISLAND OF HAWAII
TAX MAP KEY: 1-5-010:025**

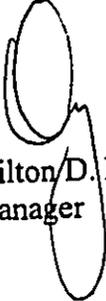
We have reviewed the subject pre-consultation invitation and have the following comments.

Please be informed that the nearest Department of Water Supply's existing source is located at the Keonepoko Nui Reservoir site along the Keaau-Pahoia Road, approximately 5.5 miles in a direct line from the property.

Further, we do not have any additional comments and do not require a copy of the environmental assessment.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8665.

Sincerely yours,


Milton D. Pavao, P.E.
Manager

WA:gms

... Water brings progress ...



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
P.O. BOX 4849
HILO, HAWAII 96720
(808) 974-4221
FAX (808) 974-4226

September 25, 2000

Dr. Ron Terry
Geo Metrician
HC2 Box 9575
Keaau, HI. 96749

Dear Ron:

Subject: Pre-Consultation on Environmental Assessment for Construction of Single-Family Dwelling at TMK 1-5-10:25, Maku'u, Puna District, Island of Hawaii

This responds to your request for comments on special environmental conditions or impacts related to the development of the above referenced single-family dwelling. You indicated that an EA will accompany a Conservation District Use Application.

Your pre-consultation letter was reviewed by staff in our division's Forestry, Wildlife and Na Ala Hele programs. Based on the information provided and our knowledge of the area, we find no special environmental conditions or impacts related to the proposed project. We would appreciate receiving a copy of the EA upon its completion.

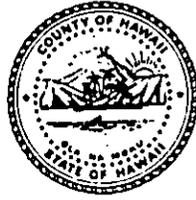
Thank you for the opportunity to comment on this project.

Sincerely,


JON G. GIFFIN
Hawaii Branch Manager

cc: Nelson Ayers, DOFAW

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

October 31, 2000

Ron Terry, Ph.D.
HC2 Box 9575
Keaau, HI 96749

Dear Mr. Terry:

Environmental Assessment (EA) for Construction of
Single-Family Dwelling (5.43 acs.)
Maku'u – Popoki, Puna, Hawaii Island
TMK: 1-5-10: 25, Lot 01

We received your letter requesting department comments on site conditions, issues to address in the EA, and any other concerns we may have. Comments that we do have relate to the County's land use jurisdiction that we are required to exercise over the proposed project.

Jurisdiction: Hawaii County Special Management Area (SMA) & State Land Use (SLU): Conservation District. Because this project is within the County's SMA zone it is subject to the regulatory requirements of the Hawaii County Planning Commission's SMA Rule 9. Parcel 25 is also in the State Land Use Conservation district. Although Hawaii County does not possess regulatory zoning authority over state designated Conservation lands, SMA review, however, is required before approval of the state CDUA process, according to Haw. Rev. Stat. Sec. 205A-29(b) and the guidance stated in the Letter from the State of Hawaii – Director, Office of Environmental Quality (OEQC) to the Hawaii County Planning Director (July 14, 1992).

Shoreline Setback Standard. Because this parcel abuts the ocean shoreline it is subject to a 40-foot mandatory minimum shoreline setback, drawn inland from the certified shoreline. The location of the setback is determined by a shoreline survey prepared by a licensed surveyor and certified by the State Board of Land & Natural Resources (BLNR).

Ron Terry, Ph.D.
Page 2
October 31, 2000

All structures and activity are prohibited within the shoreline setback. For example, this would include seawalls or berms and any fencing. Generally, encroachments within the shoreline setback will require a setback variance. Written clearance from the Planning Department may permit certain specified structures or uses within the setback area.

Waiver of Certification of Shoreline Survey. According to the project description, however, all of the built structures are proposed to be setback approximately 200-feet from the cliff edge. The County's shoreline setback and the SMA rules provide for an administrative waiver of the certified shoreline survey requirement under specified circumstances. The waiver must be applied for and can be done with the cover letter that accompanies the SMA assessment application form. According to Planning Department Rule 11-4(c), waiver of the certification requirement is dependent on four criteria:

- special or unusual physical circumstances or conditions of the land or
- where a structure or activity is proposed at a considerable distance inland.
- Setback lines shall be conservatively, but reasonably established.
- The Planning Department *may require a survey map* of the subject area depicting physical and geographical conditions to assist in making a determination.

Please Submit: SMA Assessment Application & Site Plan. The proposed dwelling project will require SMA review and a copy of the SMA assessment application form is enclosed for that purpose. To begin the SMA review process for this project please complete and submit the enclosed SMA assessment application.

SMA Rule 9-10B.9, in addition to Rule 11-4(c), authorizes any other plans or information required by the Planning Director. Pursuant to these two rules, therefore, please submit with the completed application the following information:

- ✓ **A site plan, preferably drawn-to-engineering scale.** To assist the Department in making its determination this plan will need to depict physical and geographical conditions.
- ✓ **Please provide a written description of the parcel's shoreline conditions.** Details will be needed.
- ✓ **Site Inspection.** To confirm the information submitted with the SMA assessment application a site inspection may be required.

Ron Terry, Ph.D.
Page 3
October 31, 2000

Hawaii County General Plan (GP): Natural Beauty Element. Parcel 25 is not a listed site example of natural beauty according to the GP's natural beauty element. Therefore this project is not anticipated to have an impact on a scenic view of the Puna district.

Thank you for soliciting our comments on any special environmental conditions or impacts related to the proposed development. For any follow-up discussion on this matter, please call Norman Hayashi of my staff. Ph: (808) 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EML:pak
P:\wp60\earl\letters\terrydwgea.doc

APPENDIX 1B

COMMENT LETTERS

IN RESPONSE TO DRAFT EA

AND RESPONSES

Harry Kim
Mayor



Dennis K. W. Lee
Director

Jiro A. Sumada
Deputy Director

County of Hawaii

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

January 10, 2001

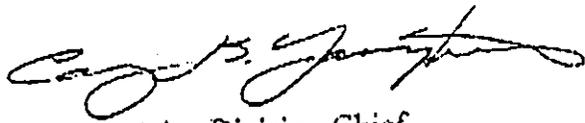
MR TRAVER CARROLL
PLANNING BRANCH
LAND DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES
P O BOX 621
HONOLULU HAWAII 96809

SUBJECT : CONSERVATION DISTRICT USE APPLICATION
CDUA No. HA-3013
Location: Puna, Hawaii
TMK: 3 / 1-5-10: 25

We have reviewed the subject application and have the following comments to offer.

1. The Old Government Road fronting the subject property is a DLNR road, not owned nor maintained by the County of Hawaii.
2. The Keaau-Pahoa Road, Route 130, is under the jurisdiction of the Hawaii Department of Transportation (HDOT); and not owned nor maintained by the County of Hawaii.

Should there be any questions concerning this matter, please feel free to contact Casey Yanagihara in our Engineering Division at 961-8327.


Galen M. Kuba, Division Chief
Engineering Division

cky



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 961-8660 • FAX (808) 961-9657

January 16, 2001

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

RECEIVED
2001 JAN 19 2 00 PM
DEPARTMENT OF WATER SUPPLY

**CONSERVATION DISTRICT USE PERMIT APPLICATION NO. HA-3013
CONSTRUCTION OF A SINGLE FAMILY RESIDENCE - WOOD
PUNA, HAWAII
TAX MAP KEY: 1-5-010:025**

We have reviewed the subject application. Please be informed that the nearest Department of Water Supply's existing waterline is a 12-inch waterline in Kahakōi Boulevard, a distance, along existing roads, of approximately 3.1 miles from the subject parcel.

Since the applicant is proposing a private catchment system we have no requirements.

Should there be any questions, please contact our Water Resources and Planning Branch at 961-8665.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

BCM:gms

copy - Mr. Donald E. and Ms. Susan M. Wood
Moors Enterprises, I.I.C.

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

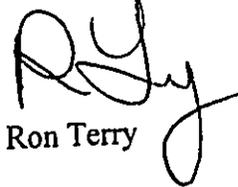
Milton D. Pavao, Manager
Hawaii County Department of Water Supply
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Pavao:

Subject: Draft Environmental Assessment, Wood Single Family Home, TMK 1-5-10:25

This letter responds to your letter of January 16, 2001, to Dean Uchida, in response to a request for comments regarding the CDUA and EA for the subject project. Your comments about the distance to existing Hawai'i County DWS waterlines and the lack of DWS requirements for the proposed single-family home are noted.

Sincerely,


Ron Terry

cc:

Greg Mooers
Travor Carroll

PHONE (808) 594-1888

FAX (808) 594-1865

RECEIVED
LAND DIVISION



2001 FEB 14 A 9:27 STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
DEPT. OF LAND AND NATURAL RESOURCES
731 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813
STATE OF HAWAII

January 23, 2001

Mr. Trevor Carroll, Planner
Department of Land and Natural Resources
Honolulu, Hawaii 96809

Dear Mr. Carroll:

Subject: Draft Environmental Assessment for Wood Single Family Home in Conservation District, Puna District, Island of Hawaii

This is in response to your letter of January 8, 2001, within which you had requested the Office of Hawaiian Affairs to review and comment on the Draft Environmental Assessment for the above proposed project in Puna. Upon review of the draft environmental assessment, the Office of Hawaiian Affairs presently has a few comments, but no major concerns with the project as detailed by the draft EA.

With regards to cultural impacts and proposed mitigation, OHA relies on the guarantee that the applicant will not obstruct access or otherwise hinder fishing, gathering, ceremonial or other traditional activities along the shoreline. OHA also relies on the assurance that proper mitigation and consultation will occur should any unidentified cultural, historic, or burial sites be encountered during development. Thank you for the opportunity to review and comment regarding the proposed project. If you have any questions, please contact Wayne Kawamura, Policy Analyst at 594-1945, or email him at waynek@oha.org.

Sincerely,

Colin Kippen, Jr.
Deputy Administrator

CK:wk

cc: BOT

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

Colin Kippen, Jr., Deputy Administrator
Office of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu HI 96813

Dear Mr. Kippen:

**Subject: Draft Environmental Assessment, Wood Single Family
Home, TMK 1-5-10:25**

This letter responds to your memo of January 23, 2001, to Trevor Carroll, in response to a request for comments regarding the CDUA and EA for the subject project. We appreciate your endorsement of our mitigation. Please be assured that the applicants have been intimately involved in the EA process and are aware of the importance of coastal access for subsistence, traditional and ceremonial uses of the shoreline area. Also, the applicants will undertake consultation should any unidentified cultural, historical or burial sites be encountered.

Sincerely,


Ron Terry

cc:

Greg Mooers
Trevor Carroll

RECEIVED
FROM
2001 JAN 23 A 11:01
State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
January 22, 2001

MEMORANDUM

TO: Dean Uchida, Administrator
Land Division

FROM: Patricia Edwards, Acting Investigator
Division of Conservation and Resources Enforcement

SUBJECT: Site Visit/Field Inspection Report HA-3013

CASE DATA

1. FILE NUMBER: 3013-HA
2. INITIATOR: DONALD AND SUSAN WOODS
3. LOCATION: TMK: (3) 1-5-10:25 MAKU'U, PUNA, HAWAII
4. SUMMARY: CONSTRUCTION OF A SINGLE FAMILY RESIDENCE

FINDINGS

1. Site visit/field inspection conducted on 01-14-01 by Hawaii Branch Officer Lawrence Terlep, Jr. At the time of the inspection, there was no indication that any project work had been initiated.
2. There was no indication of any discrepancy in the applicant's description of the site conditions/situation.
3. Nothing was noted that might be a bar to approval of the applicant's proposal.

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

Patricia Edwards, Acting Investigator
Division of Conservation Resources Enforcement
Hawai'i State Department of Land and Natural Resources
P.O. Box 621
Honolulu HI 96809

Dear Ms. Edwards:

**Subject: Draft Environmental Assessment, Wood Single Family
Home, TMK 1-5-10:25**

This letter responds to your memo of January 22, 2001, in response to a request for comments from Dean Uchida regarding the CDUA and EA for the subject project. We appreciate the visit your officer made to the site to verify that no project work had been initiated and that the applicant's description of the property was accurate. We note your conclusion that the visit revealed nothing that would appear to be a bar to approval of the CDUP.

Sincerely,

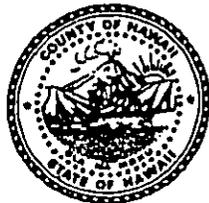


Ron Terry

cc:

Greg Mooers
Travor Carroll

Harry Kim
Mayor



Christopher J. Yuen
Director

County of Hawaii

PLANNING DEPARTMENT

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

January 24, 2001

Mr. Ron Terry
HC 2, Box 9575
Keaau, HI 96749

Dear Mr. Terry:

**Comments on the Preparation of a Draft Environmental Assessment
Project: Donald E. and Susan M. Wood Single Family Dwelling
TMK: 1-5-10: 25 Makuu, Puna**

Thank you for your memo dated January 6, 2001, requesting comments regarding the preparation of a draft environmental assessment for the proposed construction of a single family dwelling within the Conservation District. We have no further comments to offer in addition to our letters dated October 31, 2000 and December 11, 2000:

If you have any questions, please call Phyllis Fujimoto of this office at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Chris Yuen".

CHRISTOPHER J. YUEN
Planning Director

PF:pak

p:\wpwin60\phyllis\LWoodmakua01.doc

cc: Ms. Genevieve Salmonson, Office of Environmental Quality Control

Harry Kim
Mayor



Christopher J. Yuen
Director

County of Hawaii

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

CERTIFIED MAIL
7000 0600 0024 2510

December 11, 2000

Mr. Gregory R. Mooers
Mooers Enterprises, LLC
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area (SMA) Use Permit Assessment Application (SMAA 00-41)
Applicant: Gregory R. Mooers for Owners Donald E. and Susan M. Wood
Request: Construction of Single Family (Farm) Dwelling on Shoreline Parcel
TMK: 1-5-10; 25 Makuu, Puna,
Hawaii

Our office has recently received your Special Management Area Assessment Application. The proposed project qualifies for an exemption from Hawaii County Planning Commission's SMA rules. Construction of a single-family (farm) dwelling that is not part of a larger development is exempted from the definition of "development" by Rule 9-4(10)B(i). Further review of the proposed dwelling construction will not be required.

The SMA exemption is for the construction of a single family (farm) dwelling as shown on the submitted CDUA application (dated November 14, 2000). The plot plan represents that the future dwelling will be located within the conservation district and that it will be a considerable distance (150 to 200 feet) from the shoreline.

Parcel 25 is a 5.43-acre lot that abuts the shoreline. Typically a certified shoreline survey is required of shoreline parcels; however, the submission of a survey can be waived in accordance with Rule 9-10B.8 when the proposed development is located at a

Mr. Gregory R. Mooers
Mooers Enterprises
Page 2
December 11, 2000

considerable distance from the shoreline. According to the applicant's representations and the submitted plans, the dwelling site will be built a considerable distance from the shoreline. Therefore, the location of the proposed development will exceed the distance of the minimum forty (40) foot shoreline setback required by Planning Commission Rule 8. Consequently, the submission of a shoreline survey is waived because the setback is a considerable distance from the shoreline (150 to 200 feet).

All development permitted in the SMA shall be subject to reasonable terms and conditions as necessary to ensure that the goals of Rule 9-7C are provided for; and, that the project is consistent with Coastal Zone Management objectives and policies, the SMA guidelines, the county General Plan, and Zoning.

There was a site inspection conducted by an archaeologist with the State Historic Preservation Division (SHPD). He found that there were historic-era cattle walls and possible remnants for a former house site in the southeastern corner of the parcel. In the unlikely event that unreported sites are discovered during the course of implementing this project, work will stop immediately in the affected area, and the Planning Director will be notified. Work will resume once a clearance is obtained from the Planning Director.

Although an SMA exemption has been determined, the dwelling's construction plans are subject to a separate review and compliance with the county building permit process.

Mr. Gregory R. Mooers
Mooers Enterprises, LLC
Page 3
December 11, 2000

If you have any questions about this exemption, please feel free to Jeff Darrow at
961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JWD:cps
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cc: Long Range Division
Planning Commission
SMA Section

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

Chris Yuen, Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, HI 96720
Attn: Phyllis Fujimoto:

Dear Mr. Yuen:

Subject: Draft Environmental Assessment, Wood Single Family Home, TMK 1-5-10:25

Thank you for your letter of December 11, 2000, responding to Greg Mooers' submittal of an SMA application for the project, and your letter of January 24, 2001, responding to the EA, in which you state that you have no further comments from those stated in the letters dated December 11 and October 31, 2000 (the latter of which responded to our early consultation letter and is included in the Draft EA). It would appear that all Planning Department questions have been answered and requests complied with. However, in the interest of a complete record, below is a summary of the disposition of individual points brought up in the October 31, 2000 letter:

- a. *Project is in SMA Zone.* We accordingly submitted an SMA Assessment application, for which a single-family home exemption was granted by the Planning Dept. in the December 11, 2000 letter.
- b. *Shoreline Setback.* As your December 11, 2000, letter noted, the applicant has voluntarily set all construction a considerable distance from the shoreline in order to preserve coastal open space. We agree with and appreciate your decision to waive the necessity for a shoreline survey.
- c. *General Plan Natural Beauty Element.* We agree with your assessment that the project is not anticipated to have an impact on any scenic view in the Puna District.

Again, thank you for your review of the Draft EA.

Sincerely,



Ron Terry

cc: Greg Mooers
Travor Carroll

SUSPENSE DATE: January 25, 2001

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: William Devick, Administrator
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Application HA-3013

Comments Requested By: Dean Uchida - Land Division

Date of Request: 1/4/01

Date Received: 1/5/01

Summary of Project

Title: Single Family Residence & Associated Improvements
Proj. By: Donald & Susan Wood
Location: Kakau'u, Puna, Hawaii

Brief Description:

The applicant proposes to construct a single family dwelling with accessory structures and improvements on a 5.43 acre parcel between Hawaiian Paradise Park and Hawaiian Beaches in the Puna, Hawaii District. The shoreline consists of vertical basaltic cliffs extending 25 feet above low water. No fishing or recreational activities have been noted at this site.

Comments:

The proposal as described should not significantly impact aquatic resource values provided construction activities are restricted to periods of minimal rainfall and low runoff, and the areas denuded of vegetation or susceptible to erosion are appropriately stabilized. Also, precautions shall be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into coastal waters.

Any additional or undescribed construction or landscape modifications within the Conservation District should be submitted to the Department for review.

Richard Sixberry
Aquatic Biologist

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

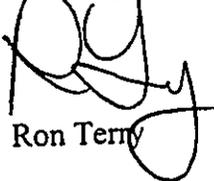
William Devick, Administrator
Hawai'i State Division of Aquatic Resources
Hawai'i State Department of Land and Natural Resources
P.O. Box 621
Honolulu HI 96809

Dear Mr. Devick:

**Subject: Draft Environmental Assessment, Wood Single Family
Home, TMK 1-5-10:25**

This letter responds to your staff's memo of January 27, 2001, in response to a request for comments from Dean Uchida regarding the CDUA and EA for the subject project. We concur with the conclusions about the site and its uses, and we expect that the mitigation measures cited from the Draft EA will be incorporated in the conditions of the permit. For your information, we have also instructed the home builder to ensure that these mitigation measures are followed.

Sincerely,



Ron Terry

cc:

Greg Mooers
Travor Carroll

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

February 7, 2001

Mr. Don Wood, Ms. Susan Wood
c/o Greg Mooers
P.O. Box 1101
Kamuela, Hawai'i 96743

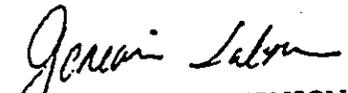
Dear Mr. and Ms. Wood:

The Office of Environmental Quality Control (OEQC) has reviewed the draft environmental assessment (DEA) for the Conservation District Use Permit Application for the Construction of a Single-Family Home in Maku'u, Puna District, Island of Hawai'i, Tax Map Key (3) 1-5-10, parcel 25, and offers the following comments for your consideration.

- *Federally Endangered Grass Ischaemum byrone.* Your consultants noted on page 4 of the DEA that "[t]he Hawaii State Department of Land and Natural Resources, which was consulted during preparation of this Draft EA, stated in a letter of 25 September 2000 that it found "no special environmental conditions or impacts related to the proposed project." Exhibit E, CDUP-HA-4/21/93-2644 (September 16, 1993, letter of then DLNR Chairperson Keith Ahue to Susan Vaughan) notes at page 2 that "...the applicant shall take appropriate measures to ensure that the endangered plants, Ischaemum byrone, are not impacted by any site clearing, equipment mobilization, or other construction related activities". Chairperson Ahue made explicit reference *Ischaemum byrone* as a condition of the CDUP. Include in the environmental assessment any information from any previous CDUA's which indicated the location(s) of *Ischaemum byrone* in and around the property. Reconsult with the Division of Forestry and Wildlife on this matter and include the results of this reconsultation in the environmental assessment, with a particular look as to what specific field reconnaissance efforts were undertaken by the Division of Forestry and Wildlife staff prior to the issuance of their September 25, 2000, letter.
- *The Fragmentation of the Floor Plan Connected by Breezeways Invites Future Misuse of the Single Family Residence as a Bed and Breakfast Unit.* As articulated in previous comment letters to Mr. Dean Uchida, Administrator, Land Division, Department of Land and Natural Resources, we wish to reiterate our concern that fragmentation of the floor plan into discrete units interconnected by breezeways invites future abuse of a single family residence as a bed and breakfast unit. Structures should be geometrically intergrated as a discrete unit, not linked by covered walkways.

Thank you for the opportunity to comment. If there are any questions, please call Leslie Segundo, Environmental Health Specialist at (808) 586-4185.

Sincerely,


GENEVIEVE SALMONSON
Director

copies: Dr. Ron Terry, Geometrician
Greg Mooers

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

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

Dear Ms. Salmonson:

Subject: Draft Environmental Assessment, Wood Single Family Home, TMK 1-5-10:25

Thank you for your letter of February 7, 2001, commenting on the CDUA/EA for the subject project. Our responses to your individual comments are as follows:

- a. *Federally Endangered Species.* The letter duplicated in Exhibit E of the CDUA (not the EA) does not refer to the subject parcel TMK 1-5-10:25, but instead to TMK 1-5-10:29. This parcel is about 1,000 feet from the subject parcel, on a different geologic substrate. We reviewed CDUP files from adjacent parcels in order to better familiarize ourselves with potential environmental impacts. We are sorry for the confusion that Exhibit E may have introduced into your review.

The Wood parcel itself was systematically surveyed by a professional botanist for the possible presence of *Ischaemum byrone*. Because of the more extensive soil development and history of grazing on the Wood parcel, this endangered grass would not be expected, and indeed was not found. For your information, DOCARE personnel visited the site on January 14, 2001, and a report on their visit is included as a comment letter on the Draft EA.

- b. *Fragmentation of the Floorplan.* The structure has been designed from the beginning strictly as a single-family home meeting the needs and matching the tastes of the owners. We would note that the customary design of single-family homes in many tropical regions includes separation of living quarters into discrete functional units (see Mary Kawena Pukui's *Polynesian Family System in Ka'u* for discussion of traditional Hawaiian separation of household units into sleeping houses, eating houses separated by sex, cooking houses, menstruation houses, and various work houses). The owners have no intention of utilizing the property as a bed-and-breakfast or for any other commercial purpose. If they did, there are far more suitable (and less costly) vacant coastal

properties in the agricultural district in the adjacent subdivision of Hawaiian Paradise Park. The site plan was shared with DLNR staff during the consultation process, and no concerns were raised about the breezeways. It is important to note that the structure conforms to the requirements of the Land Use District and Subzone, and its design does not induce any additional environmental impacts.

We hope this satisfies your concerns about the single-family home project.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ron Terry', written over a horizontal line.

Ron Terry

cc:

Greg Mooers
Travor Carroll

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DEPUTIES
JANET E. KAWELO
LINNEL NISHIOKA

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

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

November 29, 2000

Mr. Ron Terry
HC 2 Box 9575
Keaau, Hawaii 96749

LOG NO: 26606 ✓
DOC NO: 011RC45

Dear Mr. Terry:

SUBJECT: EA – Single-Family Dwelling (Wood), Makuu, Puna, Hawaii
TMK: 1-5-10: 25

This letter responds to yours of September 11, 2000. We apologize for our delayed review.

In that letter you were asking if an archaeological inventory survey would be needed. You indicated that cattle walls were on the property. Normally, that would be an indicator that a survey is needed, as minimally the cattle walls would likely be older than 50 years in age.

You stated that you would coordinate with Marc Smith on this matter. If Marc checked the property and concluded a survey was not needed, that is acceptable. Otherwise, we recommend a survey be done. If you have any questions, please feel free to call Pat McCoy (692-8029).

Aloha,

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

DON HIBBARD, Administrator
State Historic Preservation Division

RC:amk

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

February 15, 2001

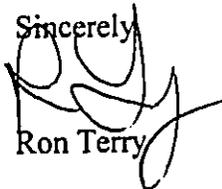
Don Hibbard, Administrator
State Historic Preservation Division
601 Kamokila Blvd., Rm. 555
Kapolei, Hawaii 96707
Attn: Pat McCoy

Dear Dr. Hibbard:

Subject: Draft Environmental Assessment, Wood Single Family Home, TMK 1-5-10:25

This letter responds to your letter of November 29, 2000, in response to our request for comments during preconsultation for the Draft EA. Your letter arrived too late for inclusion in the Draft EA. We would also note that a Draft EA was sent to SHPD in early January, and that we followed up with a phone call to Pat McCoy of your office to ask if comments on the Draft EA would be forthcoming before the close of the 30-day comment period on February 7, 2001. To date we have not received a comment letter. I will therefore take this opportunity to respond to your earlier letter and summarize the situation as I understand it.

You stated that if SHPD's Marc Smith checked the property and indicated that no inventory survey was necessary, that would be acceptable. Marc Smith made a reconnaissance of the parcel in October, 2000, and he indicated that he would be making that determination. As we state in the EA, the site layout completely avoids any of the cattle walls on the perimeter and in the southeastern half of the property. No disturbance will be allowed to the rock features without prior consultation with and concurrence from SHPD, in order to avoid potential adverse effects to significant historic sites, should any be present. The features will be marked and protected with orange plastic fencing during construction of the driveway and home. Furthermore, if any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

Sincerely

Ron Terry

cc:

Greg Mooers
Travor Carroll

APPENDIX 2

FIGURES

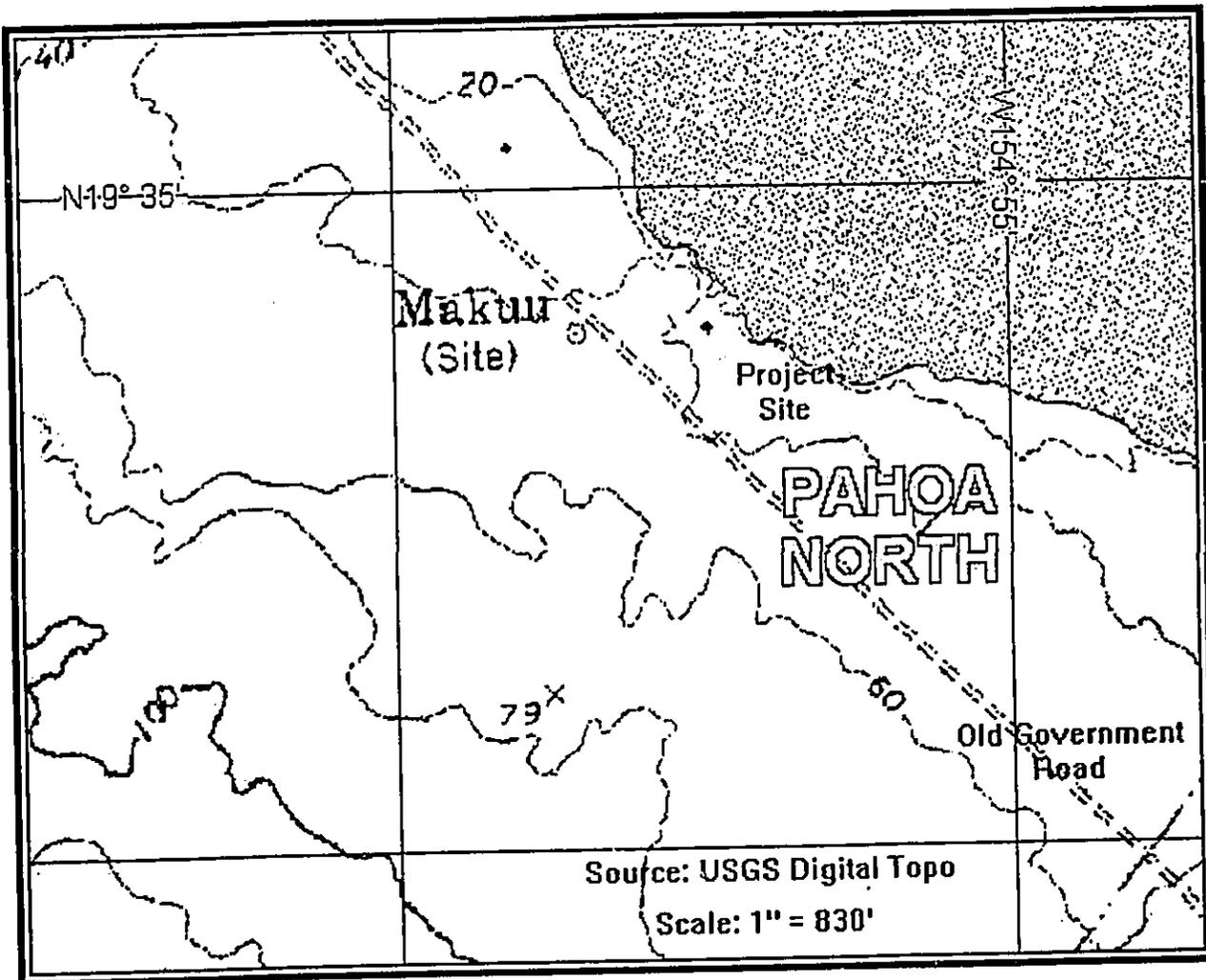


Figure 1
Wood Single Family Home Project Location

Source: USGS 1:24,000 Pahoa North Quadrangle

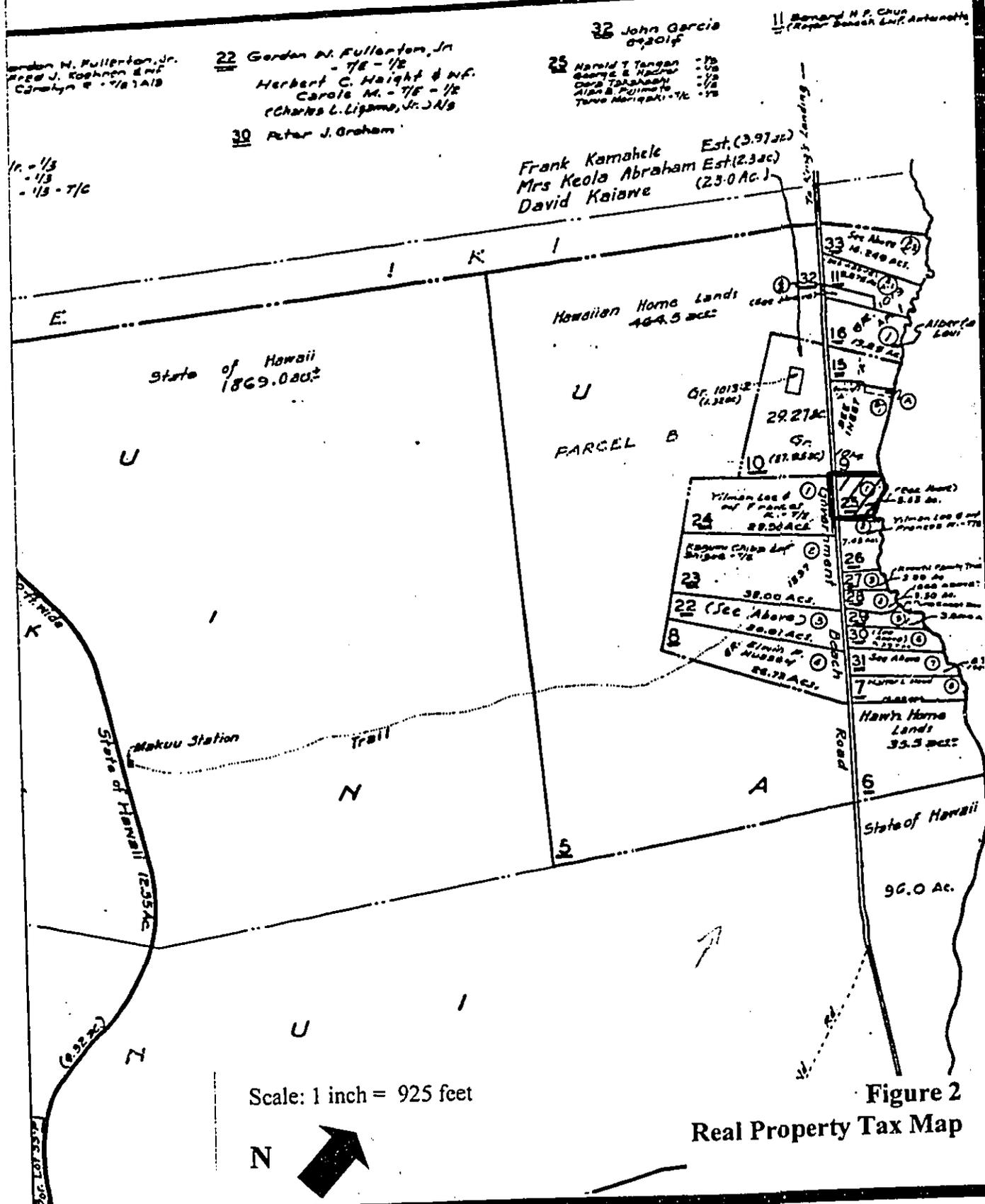


Figure 2
Real Property Tax Map

Entrance to Lot



Building Site



View from Shoreline, Mid-parcel, Looking Northwest



Figure 3a
Existing Site Photographs

Grove of Trees to be Preserved



Portion of Cattle Wall Enclosure



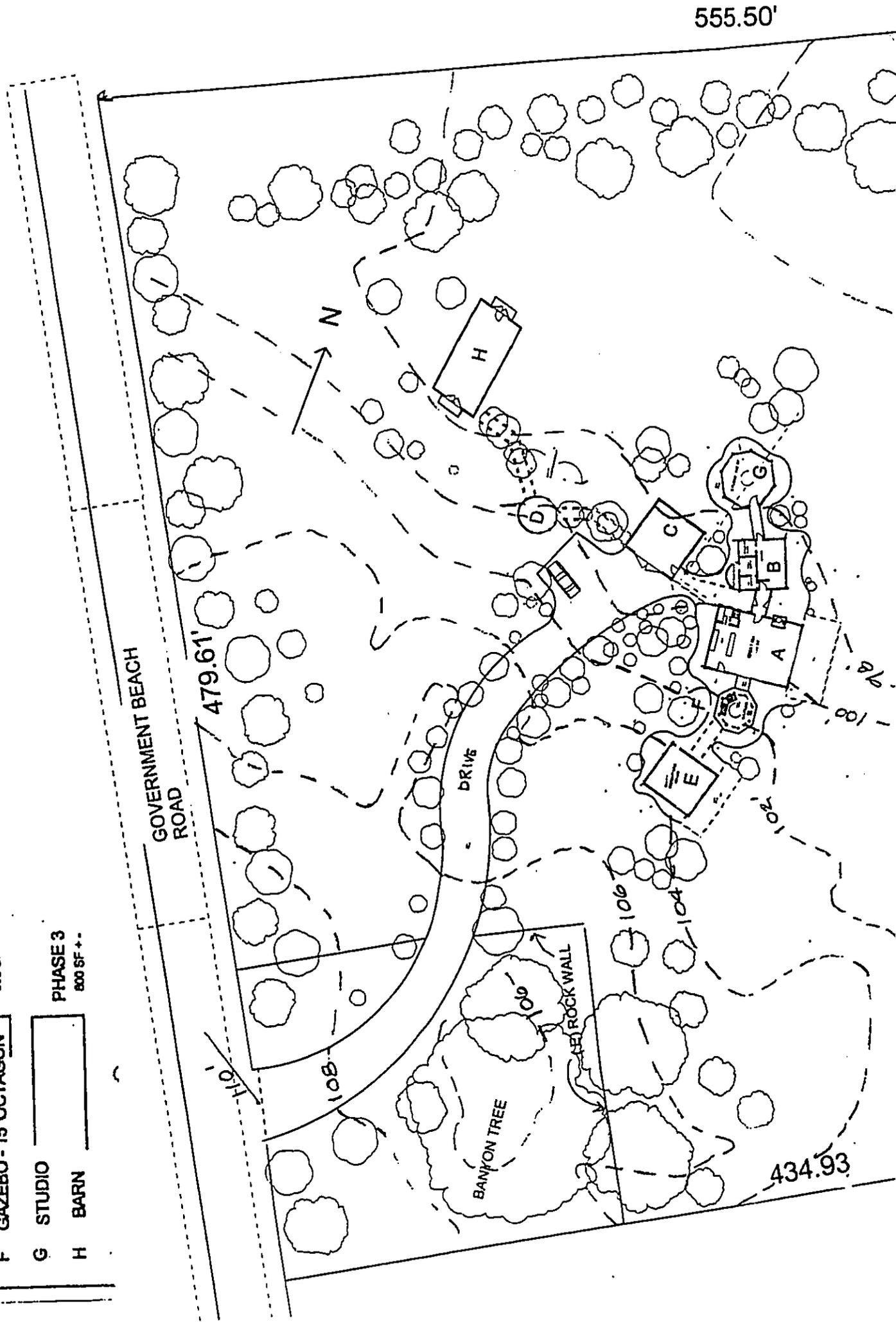
View Northwest Along Old Government Road

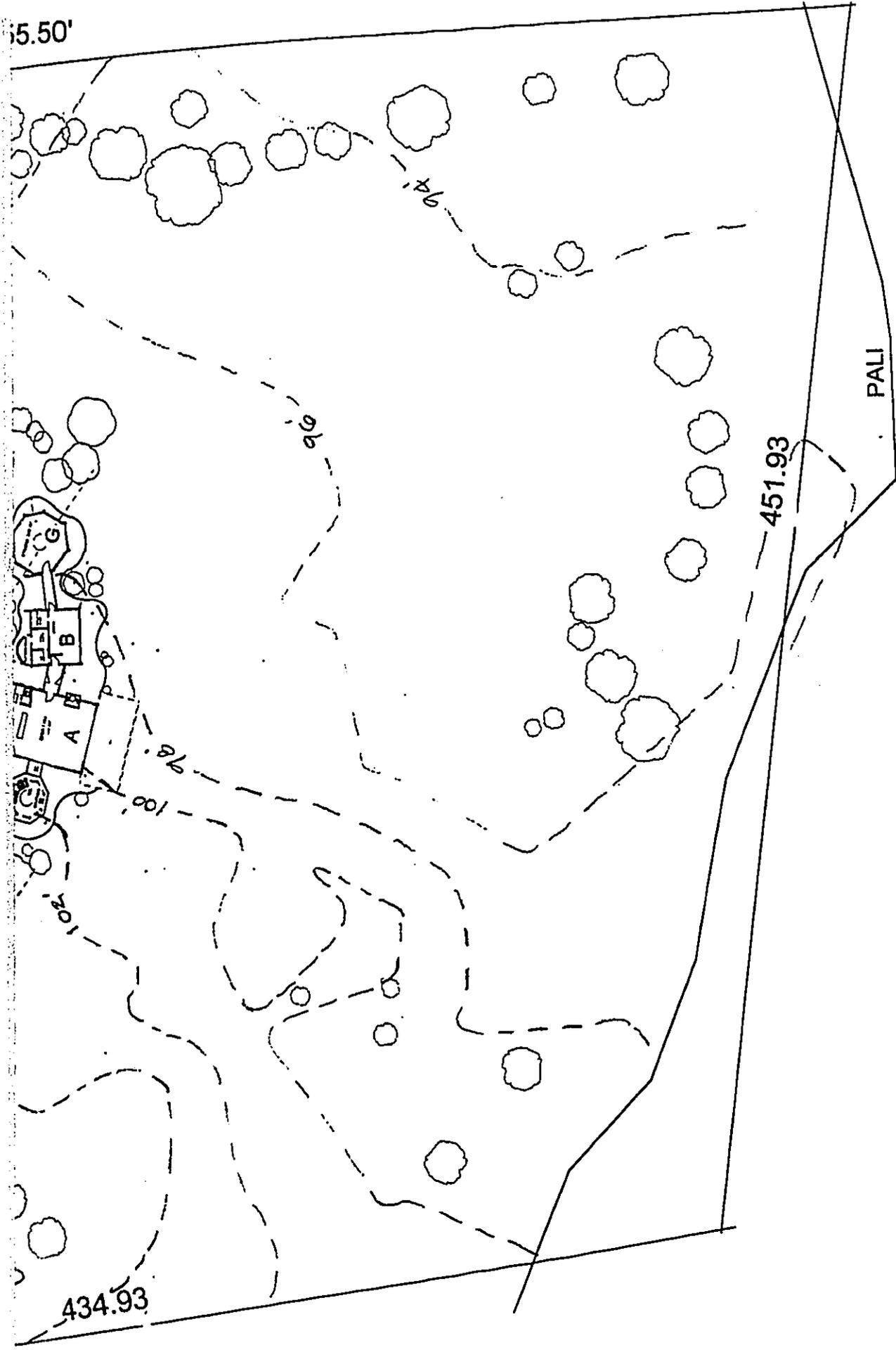


Figure 3b
Existing Site Photographs

LEGEND

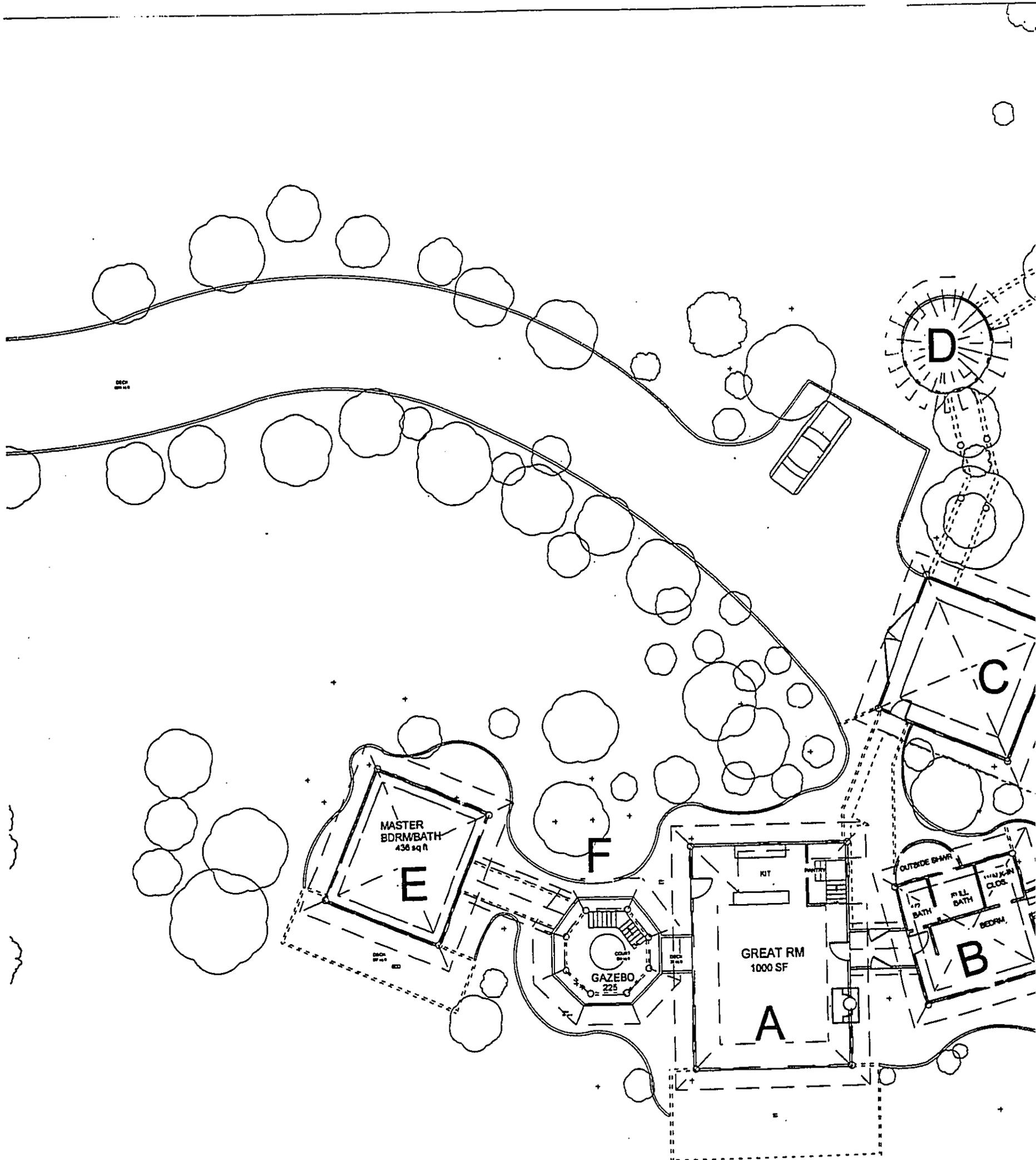
A	GREAT ROOM & KITCHEN	PHASE 1	2100 SF +-
B	BEDRM & BATH		
C	2-CAR GARAGE		
D	WATER TANK		
E	M.BEDRM & BATH	PHASE 2	800 SF +-
F	GAZEBO - 15' OCTAGON		
G	STUDIO	PHASE 3	800 SF +-
H	BARN		





WOOD RESIDENCE
 SITE PLAN - 1" = 50'
 ARCHITECTS STUDIO

Figure 4a
 Site Plan - Overview



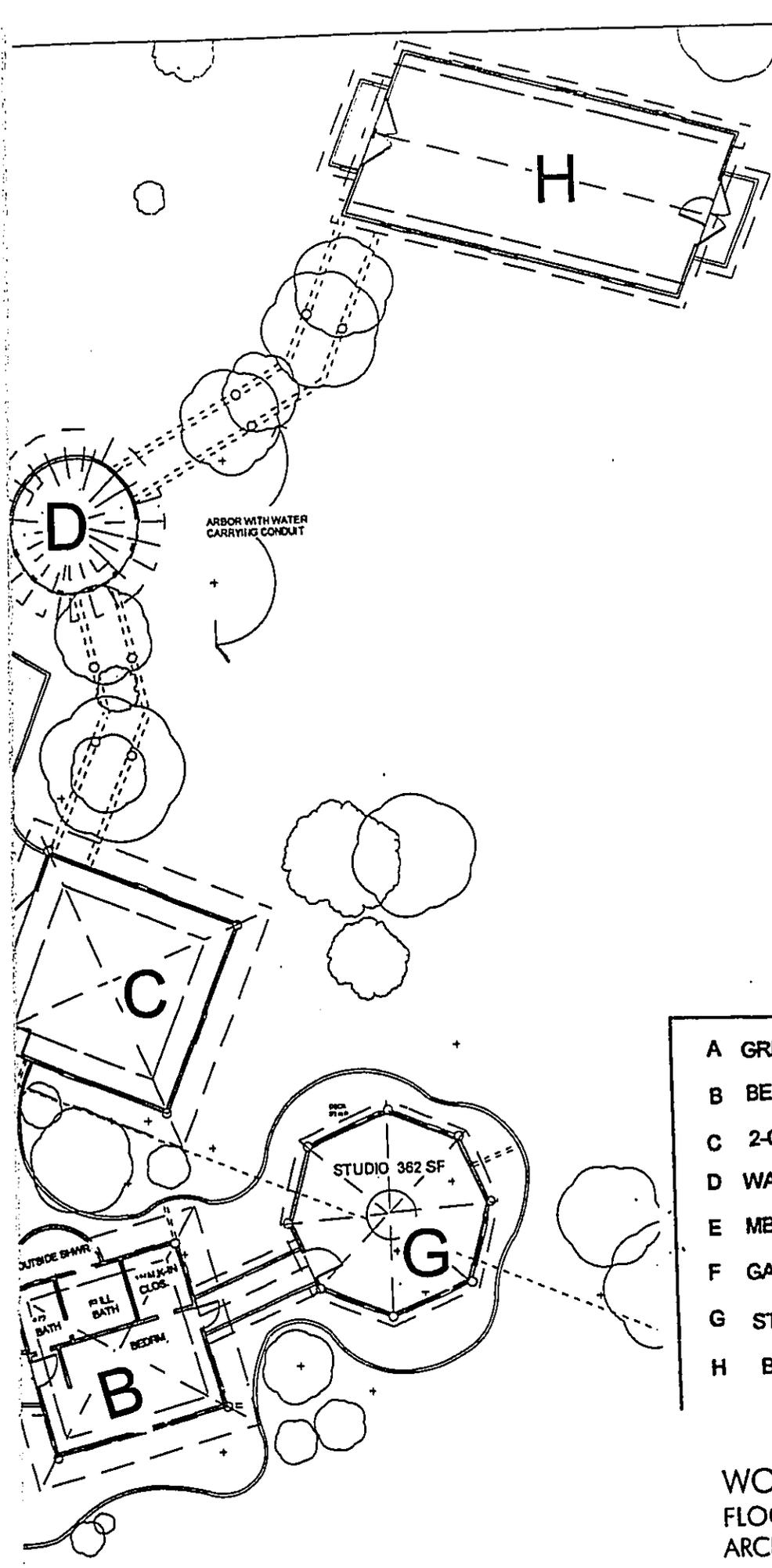


Figure 4b
Site Plan - Detail

LEGEND

A	GREAT ROOM & KITCHEN	PHASE 1 2100 SF ±
B	BEDRM & BATH	
C	2-CAR GARAGE	
D	WATER TANK	PHASE 2 800 SF ±
E	MBEDRM & BATH	
F	GAZEBO - 15' OCTAGON	PHASE 3 800 SF ±
G	STUDIO	
H	BARN	

WOOD RESIDENCE
FLOOR PLAN - 1" = 16'
ARCHITECTS STUDIO

DOCUMENT CAPTURED AS RECEIVED

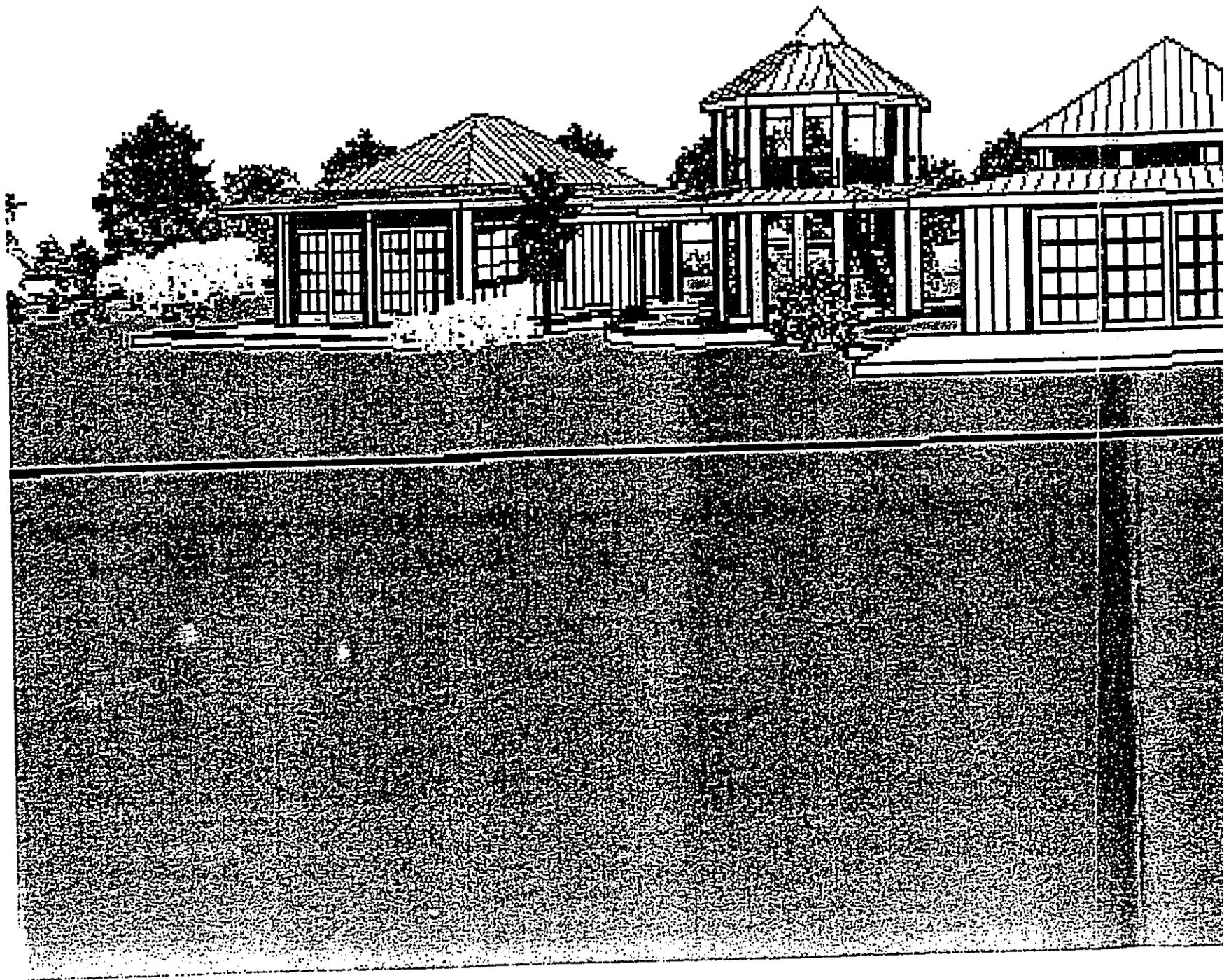
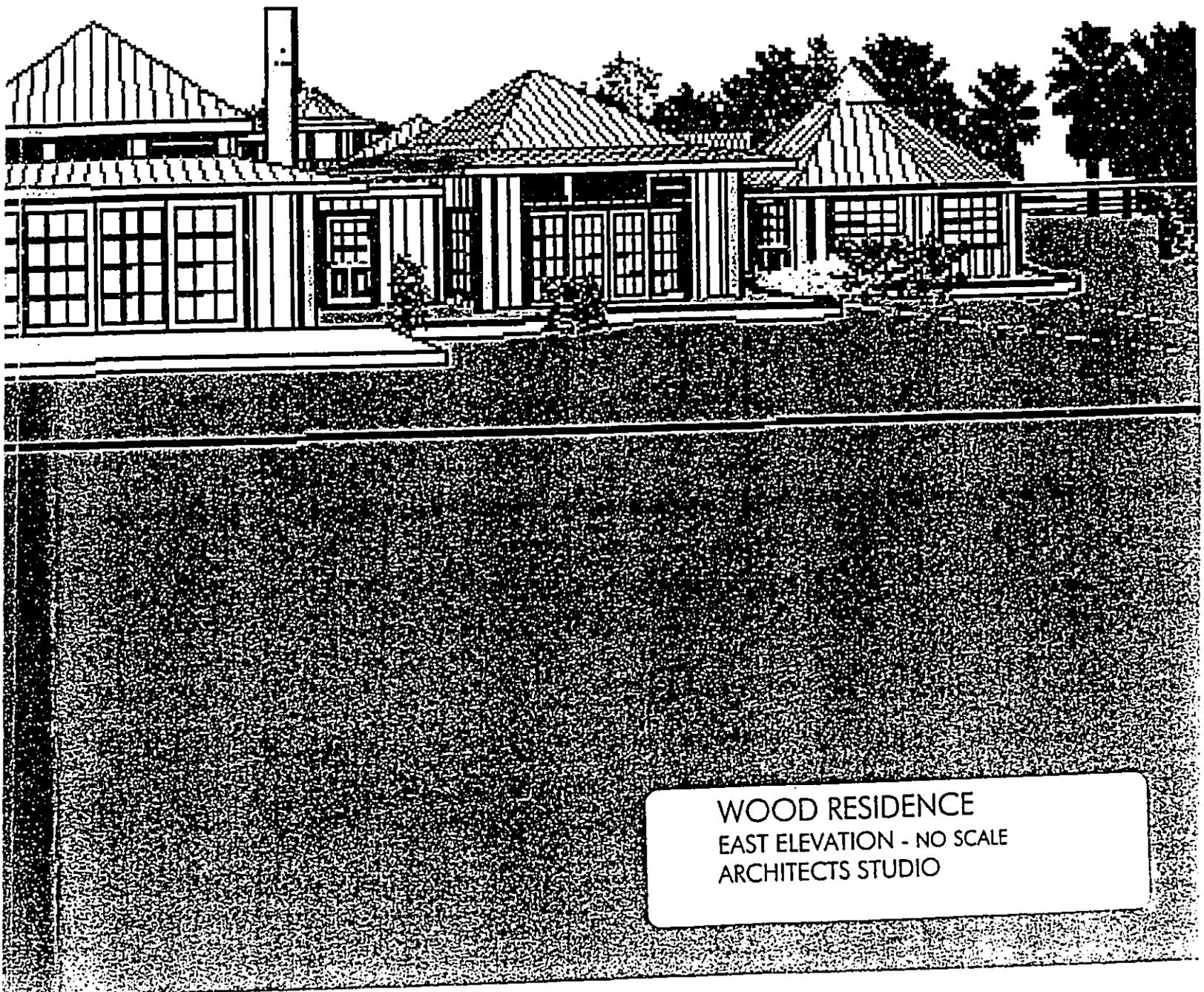


Figure 5a
Architectural Elevation - East Elevation



WOOD RESIDENCE
EAST ELEVATION - NO SCALE
ARCHITECTS STUDIO

DOCUMENT CAPTURED AS RECEIVED

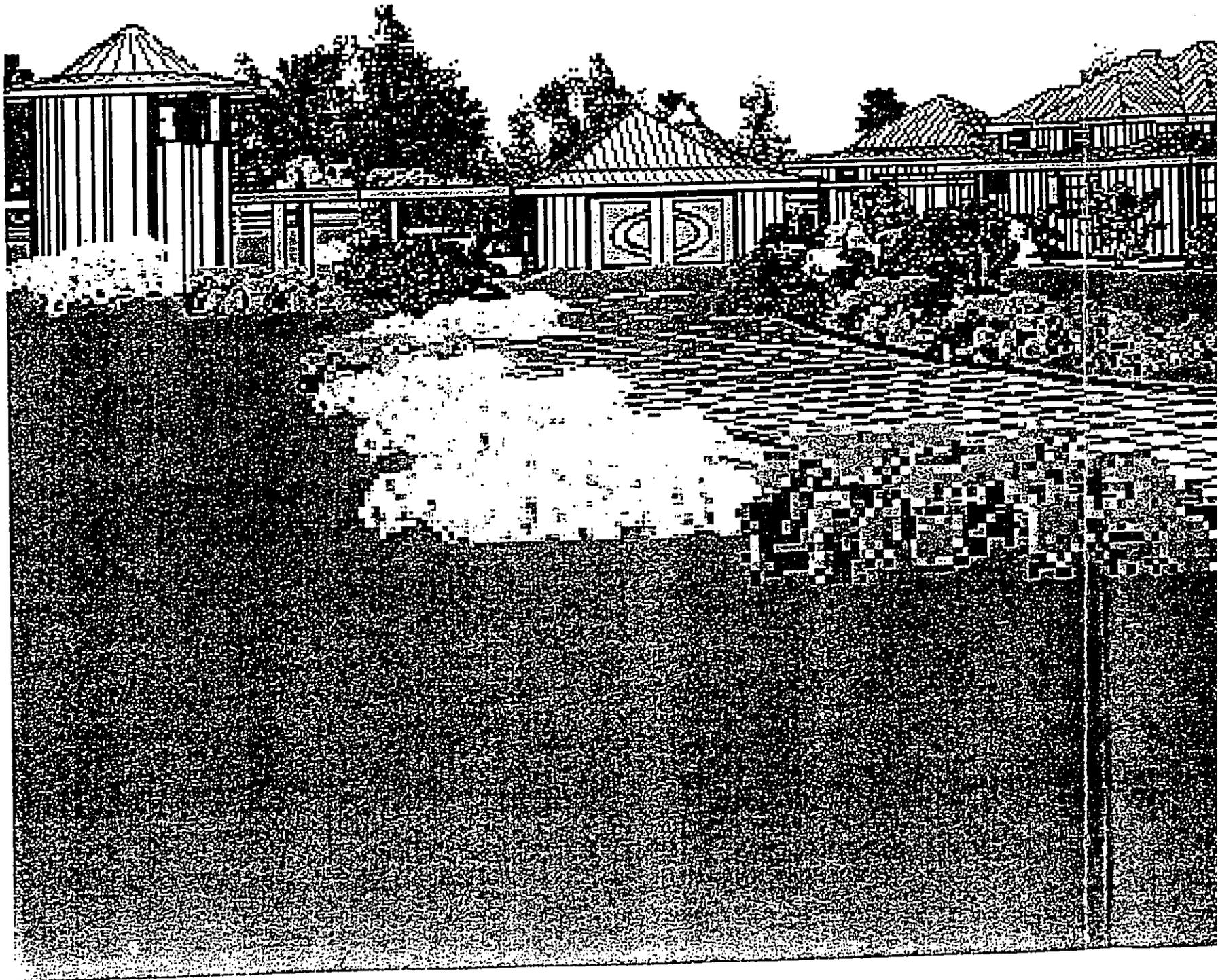
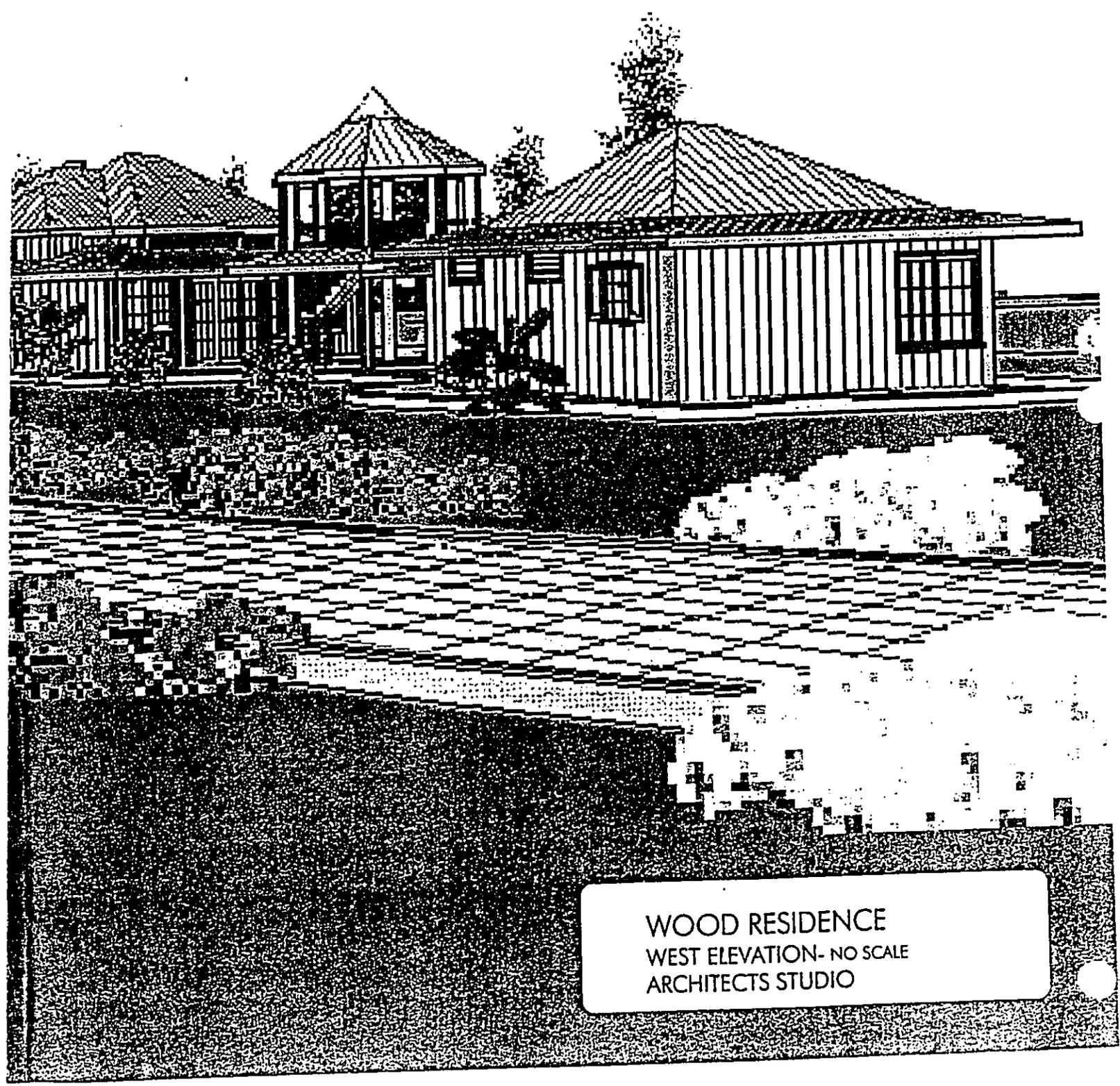


Figure 5b
Architectural Elevation - West Elevation



WOOD RESIDENCE
WEST ELEVATION- NO SCALE
ARCHITECTS STUDIO