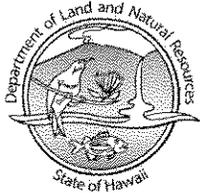


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 5, 2006

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref. No.: 03HD-353
Author: LD-GH

MEMORANDUM

TO: Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Peter T. Young, Chairperson
Board of Land and Natural Resources

SUBJECT: Finding of No Significant Impact (FONSI) to the Environment for
Easement Across State Lands; Kaupakuea, South Hilo, Hawaii, TMK: 3rd/2-
8-02:17.

The Department of Land and Natural Resources, Land Division, has reviewed the comments received during the 30-day public review period and the applicant's responses to these comments for the above referenced environmental assessment. Accordingly, we have determined that this project will not have a significant environmental effect and have issued a FONSI determination. Please publish this notice in your next scheduled publication of the Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the final environmental assessment.

If you have any questions, please feel free to contact Gordon Heit at (808) 974-6203. Thank you.

e.heit@hawaii.gov

Enclosures

cc: Land Board Member
Central Files
District Files

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

06 APR 12 08:28

RECEIVED

Kaupakuea Homesteads Easement on State Land

TMK (3) 2-8-002-17

Prepared in Partial Fulfillment of the Requirements of Chapter 343,
Hawaii Revised Statutes and Title 11 Chapter 200, Hawaii Administrative
Rules, Department of Health, State of Hawaii

Prepared for

Terin Gloor (3)2-8-2-9 Lot 5B
Kevin Caldwell (3)2-8-2-9 lot 5A
Kathleen Porter (3)2-8-2-9 Lot 5C

Prepared by

Sheryl Fletcher, Agent
RR2 Box 4061
Pahoa, HI 96778
808.965.7782

April 2004

Project Profile

Proposed Action:	Kaupakuea Homesteads Easement District of South Hilo, Hawaii
Applicants:	Terin Gloor (3)2-8-2-9 Lot 5B Kevin Caldwell (3)2-8-2-9 lot 5A Kathleen Porter (3)2-8-2-9 Lot 5C
Approving Agency:	Department of Land and Natural Resources PO Box 621 Honolulu, HI 96806
Need for Assessment:	Propose the Use of State Land
Tax Map Key:	TMK (3) 2-8-002-17
Land Area:	12 ft wide access driveway to parcels
Land Owner:	State of Hawaii
Existing Use:	Vacant
State Land Use Designation:	Agriculture
Zoning:	A-20A
Special Management Area:	Outside Special Management Area
Anticipated Determination:	Finding of No Significant Impact

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Summary of Proposed Use:

The proposed use is for an easement on State Land to give access to 5 parcels presently without legal or physical access. This is made necessary because the Paper Road is not usable. The county paved this section of Kaupakuea Homestead Rd, not on the actual roadway but further down where it was more feasible. This left the 5 parcels some distance away from the paved road. TMK (3) 2-8-2-9; Lots A, B, C. TMK (3) 2-8-2-8 and TMK (3) 2-8-2-10. The land between Kaupakuea Homestead Road and the Parcels belongs to the State of Hawaii TMK (3) 2-3-8-2-17 on the Mauka side of the drainage ditch and Mauna Kea Agribusiness TMK (3) 2-8-2-1 on the Makai side of the ditch, who has already granted an easement to the property owners.

A. Technical Characteristics:

The easement will go off of Homestead road, a county road. There is an existing driveway built years ago without an easement from the State or Mauna Kea Agribusiness. It is approximately 200 ft long and 12 ft wide and currently goes across MKA and State Land ending at TMK (3) 2-8-2-8. There is an existing culvert that appears adequate for the runoff that flows through the drainage ditch after a hard rain. Little water runs through this drainage ditch and it is dry except after heavy rain. Figures 9 and 10 show thick vegetation growing in ditch making it unlikely that it is an ongoing creek. These pictures were taken in January 2004, two days after week long heavy rains.

A licensed contractor, Big Island Excavating, who is familiar with the area's geology, topography and other unique characteristics, will perform the new work.

The area of the proposed use is shown on the accompanying Site Plan. The proposed new section of driveway on State Land will be approximately 50 to 100 feet in length, twelve feet in width. The new work necessary to cut in the driveway will not impact the drainage ditch in anyway.

The timeframe for completion of this project is approximately 2 weeks, weather permitting. In the initial phase, grading of the driveway for access and clearing away some of the scrub vegetation will take place. When the driveway is completed gravel will be put on all areas except where it is too steep and here it will be paved. The final site will be in the general area indicated in this application. Modification would be only due to topography or placement of trees. We intend to preserve any existing large trees on the property.

B. Socio-Economic Characteristics

There is no significant socio-economic impact of the project. This project will enable these neighbors to finally have legal and physical access to their property

The long-term economic impact will fall outside the immediate area, in the town of Hilo. This project will employ general and sub-contractors in the construction field for the completion of this project. There will be no direct long-term economic impact to the project area, as the project is not for commercial use.

Environmental Characteristics

Summary Description of the Affected Environment:

The property for which your consideration is requested is State Land located in the South Hilo District, island of Hawaii, TMK (3) 2-8-2-17. It is located near medium to large agricultural parcels of land. The property is undeveloped at this time. It starts Mauka of drainage ditch and slopes uphill as you can see in pictures.

Vegetation: the land is covered by an assortment of grasses, guava, and ferns. There are no known rare species of vegetation existing on the property.

Fauna: there are no visible large animal habitats on the parcel. There are birds, insects and lizards seen on the property. Most of their habitat would not be affected, except for those living on the area that would be cleared. Given that similar habitat exists on the remaining land, the animals affected would simply be displaced to an adjacent area. There are no known rare species of animal life existing on the property.

Topography: the general topography is gently rolling pasture-type land with some steeper areas with the drainage ditch running parallel to Homestead Rd.

Creek or Drainage Ditch: Only has water when there are heavy rains. The slope is gradual with Ditch running North West. There are no fish or Opae or other fauna living in this Ditch.

Historic Sites: Based on research at the Hawaii State Division of Historic Preservation and discussions with neighbors and other residents there are no identified historic sites on the property. There have been several surveys done in the area, and there have been no significant historic sites found near the parcel.

According to a walking survey of the property, there are no sites visible on the parcel, no rock walls, markers or mounds, as seen in other areas.

Short and Long-Term Impacts

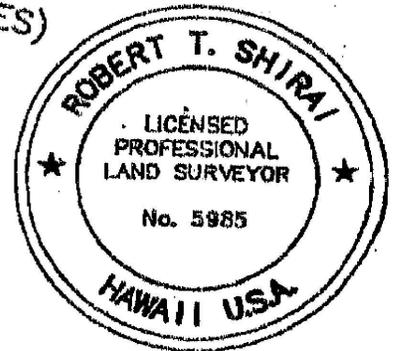
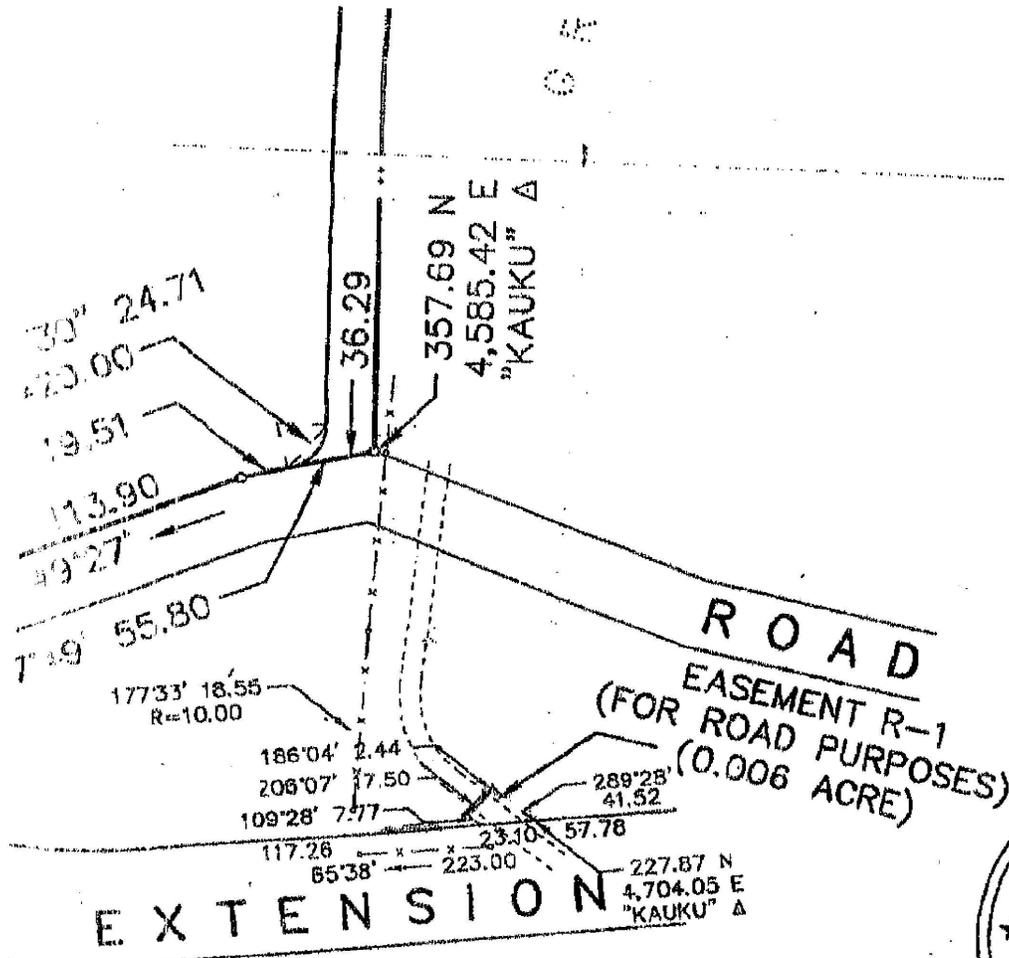
The short-term impacts on the environment will be:

- Moving of earth material for clearing of the driveway but this will be used to build up the low areas.
- Temporary noise due to presence of earth-moving equipment.
- Introduction of possible toxic materials used in construction are asphalt or concrete for paving purposes and gasoline for the heavy equipment. These pose no threat to the environment provided they are used for the purpose intended and are stored and disposed of properly.
- There are currently no large animals living in the area. Since most of the property will be left in its wild and natural state, insects, birds and small rodents that may be living in the area will experience minor displacement.

The long-term impacts on the environment will be:

- Addition of 4 families using the driveway, where before the area was used by only 1 family. There are some impacts to the natural environment with any habitation, but the simple lifestyle anticipated of the property owners would have minimal negative impact.
- The proposed work would have minimal impact on the natural environment, as most of the parcel will not be affected. The area that will be cleared for the driveway will be the only area disturbed.

Exhibit "A"
 Map of Easement R-1
 (enlarged)



This work was prepared by me
 or under my supervision.

ROBERT T. SHIRAI, PLS
 State of Hawaii Cert. No. LS-5985
 License Expires April 30, 2004

Proposed Mitigation Measures:

Short-term impacts

- Earth material moved for clearing of the driveway will be utilized in the formation of the driveway, drainage and landscaping berms. No material will be dumped on the wild area and none will be removed from the property.

Any dust that would be caused by the earth moving would not likely disturb any other human inhabitants, as they are far enough away to be unaffected. If the amount of dust produced would affect the surrounding vegetation and small animal habitat, daily damping measure will be taken. This would entail spraying water from a water drum onto the affected area, to keep the dust from spreading from the immediate area.

- Any temporary noise due to presence of earth-moving equipment would be limited to the daytime work hours.
- Any possible toxic materials used in construction such as asphalt, concrete and gasoline will be properly used, stored and disposed of.
- If there are any animal habitats found in the clearing processing every effort will be made to preserve the habitat, not destroy it. The parcel is large enough that there is flexibility in the placing of the driveway. Our intention is to keep intact as much of the native flora and fauna as possible. Thus most of the property will be left in its wild state.
- Organic landscaping is the planned for this project. There will be little or no chemical fertilizers or pesticides introduced into the native environment. Other homeowners in the surrounding area have been successful using minimal or no chemicals producing excellent growing and greenery.

Mitigation measures for long-term impacts on the environment will be:

- We will try to assist our neighbors and serve the community in whatever capacity we may. We will be good stewards of our land, warning and taking action against any individuals or groups found polluting or destroying the natural environment of the area.

Objective:

- The objective for this project is to build a driveway using materials and designs that will aesthetically harmonize with the natural environment. The materials used will be stone and either asphalt or concrete.

A. No Action

The no action alternative would maintain the status quo of the properties and preclude the occurrence of all environmental impacts described in this Assessment. A No Action alternative would also deny the Applicants the access to their property. There are no alternatives for access to the parcels.

Years ago a driveway was built on this parcel of State Land and Mauna Kea Agribusiness land without getting an easement. When Rex Ramsey bought Parcel (3) 2- 8-2-9:5 he discovered that there was no physical and legal access to his property except over the existing driveway, which had no legal easement. He proceeded to contact the State and MKA to initiate obtaining a legal easement so that his parcel could have legal and physical access.

Permits and approvals required for the project are listed below. Other permits and approvals may be required depending on the findings.

<u>AUTHORITY</u>	<u>PERMIT/APPROVAL</u>
State of Hawaii Department of Land and Natural Resources Land Management Division	Easement granted by State of Hawaii
County of Hawaii County Planning Public Works Department Engineering Division	Approval for Driveway location Grading and Driveway Permit

State of Hawaii

Department of Land and Natural Resources
Engineering Division
Division of Forestry and Wildlife
Land Division
Department of Health
Office of Environmental Quality Control

County of Hawaii

Department of Planning and Permits
Department of Public Works
Engineering Division
Department of Environmental Management
Fire Department
Police Department

US Government

Army Corp of Engineers

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

November 30, 2004

Christopher Yuen
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

RE: Request for Comments on EA for TMKs: (3) 2-8-2-9 Lot 5B
(3) 2-8-2-9 Lot 5A
(3) 2-8-2-9 Lot 5C

Dear Mr. Christopher Yuen

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 3 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

Please feel free to contact me if you require further information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Fletcher', with a long horizontal flourish extending to the right.

S. Fletcher

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

December 9, 2004

Ms. Sheryl Fletcher
RR2, Box 4061
Pahoa, Hawaii 96778

Dear Ms. Fletcher:

Subject: Draft Environmental Assessment (DEA)
Applicants: Terran Gloor, Keven Caldwell, and Kathleen Porter
Approving Agency: Department of Land and Natural Resources
Project: Kaupakuea Homesteads Easement
Tax Map Key: (3) 2-8-002:017 Kaupakuea, South Hilo, Hawaii

We are in receipt of your letter dated November 30, 2004 transmitting a copy of the subject DEA. We offer the following in response to your request for our comments on the DEA for the proposed project.

We understand the applicants are seeking approval for a perpetual easement across State of Hawaii land, being the subject parcel, to allow for vehicular access to the Hawaii County's Kaupakuea Homestead Road Extension (KHRE). We further understand that KHRE is aligned within the Mauna Kea Agribusiness (MKA) property identified by TMK 2-8-003:001 rather than within the Kaupakuea Homestead Road right-of-way.

The subject land is zoned Agricultural (A-10a) by the County of Hawaii and is situated in the State Land Use Agricultural district. The project site is not in the Special Management Area. No land use permits are required by the County of Hawaii for the proposed granting of an access easement and the construction of a driveway within said easement.

Although the Planning Department has no objections or comments regarding the proposed easement, we do offer the following comments on the DEA.

1. The "Description of the Proposed Action" states that the "proposed use is for an easement on State Land to give access to 5 parcels presently without legal or physical access." Although the five parcels (TMKs 2-8-002:008, 009 (Lot 5-A), 010, 027 (Lot 5-B, and 028(Lot 5-C)) may not have legal access to KHRE, the DEA also states that

Hawaii County is an equal opportunity provider and employer

Ms. Sheryl Fletcher
Page 2
December 9, 2004

an existing driveway, built without an easement, does provide physical access.

2. The "Description of the Proposed Action" also states that the "paper road" status of Kaupakuea Homestead Road right-of-way is unusable. The DEA should clarify how the "new" driveway alignment depicted in the Exhibit "A" Map of Easement R-1 (enlarged) will provide access for any of the five parcels other than Parcel 28.

Should you have questions, please feel welcome to contact Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

LMB:cd

P:\WPWIN60\Larry\EA-EIS Comments\Fletcher-KaupakueaHmstdFsmnt2-8-2-17DEA.doc

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

March 7, 2005

Mr. Christopher J. Yuen
County of Hawaii
Planning Department

RE: DEA for TMK (3) 2-8-002:017 Kaupakuea, South Hilo, Hawaii

Dear Mr. Yuen:

Thank you for your letter dated December 9, 2004 responding to my request for comments on the DEA for this project.

I would like to clarify your statements in Comments number one and two.

The 5 lots do have legal access over KHRE but do not have physical access. This Access Easement will give the 5 lots physical access.

The Access Easement will give access to the paper road which abuts the easements across the fronts of parcels 5B (3-2-8-2-27) and 5C (3-2-8-2-28) There is another easement up center line between these two parcels to give access to parcel 5A (3-2-8-2-9).

Parcel (3) 2-8-2-8 and parcel (3) 2-8-2-10 can use the same Easement Access.

Thank you again for taking the time to study this Draft Environmental Assessment and making your helpful comments.

Sincerely yours,

Sheryl Fletcher

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

November 30, 2004

Galen Kuba
Public Works Department
Engineering Division
101 Pauahi St. Suite 7
Hilo, Hawaii 96720

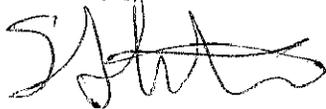
RE: Request for Comments on EA for TMKs: (3) 2-8-2-9 Lot 5B
(3) 2-8-2-9 Lot 5A
(3) 2-8-2-9 Lot 5C

Dear Mr. Galen Kuba:

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 3 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

Please feel free to contact me if you require further information.

Sincerely yours,



S. Fletcher

Harry Kim
Mayor



Bruce C. McClure
Director

Ronald K. Takahashi
Deputy Director

County of Hawaii
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Puuahi Street, Suite 7 • Hilo, Hawaii 96720-4224
(808) 961-8321 • Fax (808) 961-8630

December 28, 2004

Ms. Sheryl Fletcher
RR2 Box 4061 Avenue
Pahoa, Hawaii 96778

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT
Easement Over State Land
TMK: 2-8-02: 017

We have reviewed the subject easement as described in your letter dated November 30, 2004 and have no comments.

Questions may be referred to Mr. Kelly Gomes of the Engineering Division at 961-8327.


for GALEN M. KUBA, Division Chief
Engineering Division

KG

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

March 1, 2005

Mr. Darryl Oliveira, Chief
25 Aupuni Room 103
Hilo, HI 96720

Subject: Request for comments on DEA for TMK (3) 2-8-002:017 Access Easement in
Kaupakuea, South Hilo, Hawaii

Dear Chief Oliveira:

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 5 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

Please feel free to contact me if you require further information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Fletcher', with a long horizontal flourish extending to the right.

S. Fletcher

Harry Kim
Mayor



Darryl J. Oliveira
Fire Chief

Desmond K. Wery
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 961-8297 • Fax (808) 961-8296

April 29, 2005

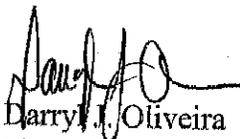
Sheryl Fletcher, Agent
RR2 Box 4061
Pahoa, HI 96778

Dear Ms. Fletcher:

RE: Request for comments on DEA TMK (3) 2-8-002:017 Access easement in
Kaupakuea, South Hilo, Hawaii.

It is the fire department's recommendation and request that consideration be given to provide appropriate road access for emergency vehicles in the establishment of the proposed access driveway. These considerations would facilitate and support vehicle access in the event of an unforeseen emergency. Enclosed are standard uniform fire code provisions that would be encouraged and desirable.

Sincerely,


Darryl J. Oliveira
Fire Chief

JCP/cmj

Enclosure



10.206-10.207

UNIFORM FIRE CODE

manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum 3-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the chief.

(b) **Identification of Hydrants or Equipment.** All fire protection equipment or hydrants shall be clearly identified in a manner approved by the chief to prevent parking or other obstruction.

Fire Apparatus Access Roads

Sec. 10.207. (a) General. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

(b) **Where Required.** Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access, as measured

by the unobstructed width of the building.
EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 81.109.

(c) **Width.** The unobstructed width of a fire apparatus access road shall be not less than 20 feet.

(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

(e) **Permissible Modifications.** Vertical clearances or widths required by this section shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief.

(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

April 6, 2006

Mr. Darryl Oliveira
25 Aupuni St. Room 103
Hilo, HI 97620

Dear Mr. Oliveira,

SUBJECT: REQUEST FOR COMMENTS ON DEA TMK (3) 2-8-002:017 ACCESS
EASEMENT IN KAUPAKUEA, SOUTH HILO, HAWAII.

Thank you for your response letter dated April 29, 2005. You requested that consideration be given to emergency vehicles in the design and construction of the proposed driveway. Please be assured that such consideration will be given.

Sincerely,

Terin Gloor
For: S. Fletcher

PO BOX 978
PEPEEKEO, HI 96783

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

March 1, 2005

Mr. Lawrence Mahuna, Chief
349 Kapiolani St
Hilo, HI 96720

Subject: Request for comments on DEA for TMK (3) 2-8-002:017 Access Easement in
Kaupakuea, South Hilo, Hawaii

Dear Mr. Mahuna:

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 5 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

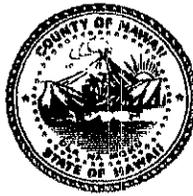
Please feel free to contact me if you require further information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Fletcher', with a long horizontal flourish extending to the right.

S. Fletcher

Harry Kim
Mayor



Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-8869

April 6, 2005

Ms. Sheryl Fletcher
Agent
RR 2 Box 4061
Pahoa, HI 96778

Dear Ms. Fletcher:

Subject: Request for Comments on DEA for TMK (3) 2-8-002:017 Access Easement in Kaupakuea, South Hilo, Hawaii Police Department

Our staff completed a review of the aforementioned draft environmental assessment and has neither comments nor objections to this request.

Thank you for the opportunity to comment.

Sincerely,


JAMES M. DAY
ASSISTANT POLICE CHIEF
AREA I OPERATIONS

JNS:lli

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

March 1, 2005

Ms. Barbara Bell
Department of Environmental Management
25 Aupuni room 210
Hilo, HI 96720

Subject: Request for comments on DEA for TMK (3) 2-8-002:017 Access Easement in
Kaupakuea, South Hilo, Hawaii

Dear Ms. Bell:

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 5 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

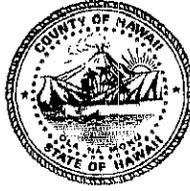
Please feel free to contact me if you require further information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Fletcher', with a long horizontal flourish extending to the right.

S. Fletcher

Harry Kim
Mayor



Barbara Bell
Director

Nelson Ho
Deputy Director

County of Hawaii
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
25 Aupuni Street, Room 210 • Hilo, Hawaii 96720-4252
(808) 961-8083 • Fax (808) 961-8086

April 7, 2005

Ms. Sheryl Fletcher, Agent
RR2, Box 4061
Pahoa, HI 96778

Re: Draft Environmental Assessment
Kaupakuea Homesteads Easement on State Land
TMK: (3) 2-8-002-17

Dear Ms. Fletcher,

We have no comments at this time regarding the proposed project.

Thank you for allowing us the opportunity to offer input on this project and if we can be of further assistance, please don't hesitate to contact us.

Barbara Bell
DIRECTOR

6874A

S. Fletcher

RR2 Box 4061
Pahoa, HI 96778

March 1, 2005

Mr. George Young
Army Corp of Engineers
Building 230 Fort Shaftner
Honolulu, HI 96858

Subject: Request for comments on DEA for TMK (3) 2-8-002:017 Access Easement in
Kaupakuea, South Hilo, Hawaii

Dear Mr. Young

The State Land Division at DNLR requests your review and comments on our Environmental Assessment Draft that pertains to an easement over state land. We are applying for an easement because the 5 properties can only be accessed by way of a driveway on this easement over State Land. These properties are bordered by the "paper road" and are land locked.

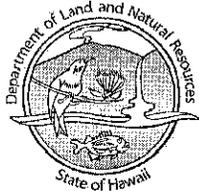
Please feel free to contact me if you require further information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Fletcher', with a long horizontal flourish extending to the right.

S. Fletcher

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 16, 2004

Ref. No.: 03HD-353
Author: LD-GH

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

TO: Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Peter T. Young, Chairperson
Board of Land and Natural Resources

SUBJECT: Draft Environmental Assessment (EA) for Easement Across State Lands;
Kaupakuea Homesteads, Kaupakuea, South Hilo, Hawaii, TMK: 3rd/2-8-
02:17

The Department of Land and Natural Resources, Land Division, has reviewed the enclosed draft environmental assessment for the above referenced project and anticipates a negative declaration determination.

Please publish the notice of availability for this project on the next publication date of the Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the draft environmental assessment.

If you have any questions, please feel free to contact Gordon Heit at (808) 974-6203. Thank you.

Enclosures

cc: Land Board Member
Central Files
District Files

Chapter 200 (Environmental Impact Statement Rules)

§11-200-12 *Significance criteria.* (a) *In considering the significance of potential environmental effects, agencies shall consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action.*

(b) *In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:*

1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

The subject property is devoid of archaeological or cultural resources. It could be argued that the property and its surrounding landform comprise a natural resource. Applicants are aware of the natural characteristics of the land and are proposing to improve only enough land for a 12-foot wide driveway while maintaining the status quo for the remaining acreage.

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

The project does not curtail the beneficial uses of the environment. The proposed improvements will enable the Applicants and their families to enjoy the use of their property in a manner that does not degrade the environmental quality of the property and the adjoining area.

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

The project does not conflict with long-term environmental policies, goals, and guidelines of the State of Hawaii.

4) Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;

The project will not substantially affect the economic or social welfare of the community or State.

5) Substantially affects public health;

Public health will not be adversely affected during construction and after completion of construction.

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

Substantial secondary impacts are not anticipated.

7) Involves a substantial degradation of environmental quality;

A substantial degradation of environmental quality is not anticipated

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

The project does not involve a commitment for a larger action.

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

There are no rare, threatened, or endangered flora or fauna on the premises.

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

Fugitive dust will be raised during grubbing and grading activities but can be controlled by measures stipulated in this Assessment. Noise will be audible during construction but of limited scope. All activities will comply with air quality and noise pollution regulations of the State Department of Health.

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

The proposed improvements are not located in an environmentally sensitive area. There are no plans to significantly alter the site thus causing changes to the drainage flow into the Drainage Ditch.

12) Substantially affects scenic vistas and view planes identified in county or state plans or studies; or,

The improvements will not substantial affect scenic vista and view planes from public view places such as roads and scenic lookouts.

13) Requires substantial energy consumption. [Eff 12/6/85; am and comp AUG 31 1996] (Auth: HRS §343-5, 343-6) (Imp: HRS §343-2, 343-6)

Substantial energy consumption is not anticipated.

November 21, 2005

Michael LaPlante
PO Box 214
Pepeekeo, HI 96720

Dear Michael LaPlante,

SUBJECT: KAUPAKUEA HOMESTEAD EASEMENT

I am writing to you at the request of Sheryl Fletcher and on her behalf. I am sorry for this delayed response to your letters dated August 21, 2005.

One of your letters commented that other owners would like to maintain their historic access routes across the State land and Alia Stream (TMK: 2-8-2-17). The intent of the Environmental Assessment prepared by Rex Ramsey is to provide for a single easement that accesses the properties that he has sold. However, the finalization of this Environmental Assessment will benefit the other owners that are working to establish access across this State property. The benefit is in that, when applying for easements for other access points, a new environmental assessment will likely be unnecessary.

Your other letter noted Sheryl Fletcher's letter to Chris Yuen in which she apparently mentioned access through the easement between lots 5B and 5C. I have not seen the referenced letter, however, the indicated easement (intended for lot 5A) dead-ends at lot 5A. The easement was not prepared with the intention of providing access to the additional properties mauka of the lots formerly owned by Rex Ramsey. However, it may be possible for other property owners to gain access to the County right-of-way through the easement that Rex Ramsey is working to establish across the State land. Perhaps physical access can be established on portions of this right-of-way. Additionally, it may be possible to negotiate with the current owners to establish an easement across their private property. I have spoken with Kathleen Porter and the Caldwells and feel confident that access can be negotiated.

Sincerely,

Terin Gloor
cc: Sheryl Fletcher
Genevieve Salmonson, Office of Environmental Quality Control
Gordon Heit, DLNR

November 21, 2005

Genevieve Salmonson
State of Hawaii
Office of Environmental Quality Control
Department of Health
235 South Beretania St., Ste 702
Honolulu, HI 96813

Dear Genevieve Salmonson,

SUBJECT: KAUPAKUEA HOMESTEAD EASEMENT

I am writing to you at the request of Sheryl Fletcher and on her behalf. I apologize for this delayed response to your letter dated August 18, 2005.

Item 1 of your letter requested a clarification of Exhibit "A". Enclosed with this letter please find a revised copy of Exhibit "A". The roadway marked new on the enlarged Exhibit "A" is the proposed easement. The portion marked existing is an existing driveway across the state land (no legal easement). I have also enclosed a topographic map that shows that the County of Hawaii right-of-way (paper road) is on the edge of the drainage gulch and is therefore unbuildable.

This property is situated three plus miles mauka of the shoreline.

Item 2 of your letter asks for information regarding the cultural impact of the proposed easement. The easement that will provide legal access for the referenced properties will have no cultural impact. The surrounding land was formerly used in sugar cane agriculture and conversations with neighbors in the area have indicated that this narrow strip of State land has not been used for any known cultural practice. Driveways previously established (without easements granted) have not impacted any cultural practices. We have every reason to believe that granting an easement for this driveway will likewise have no cultural impact.

It is my hope that this letter addresses all of the remaining concerns and we can proceed. If you require any further information please let me know.

Sincerely,

Terin Gloor
cc: Sheryl Fletcher
Gordon Heit, DLNR

TMK: (3) 2-8-2:09
CALDWELL

TMK: (3) 2-8-02:27
GLOOR

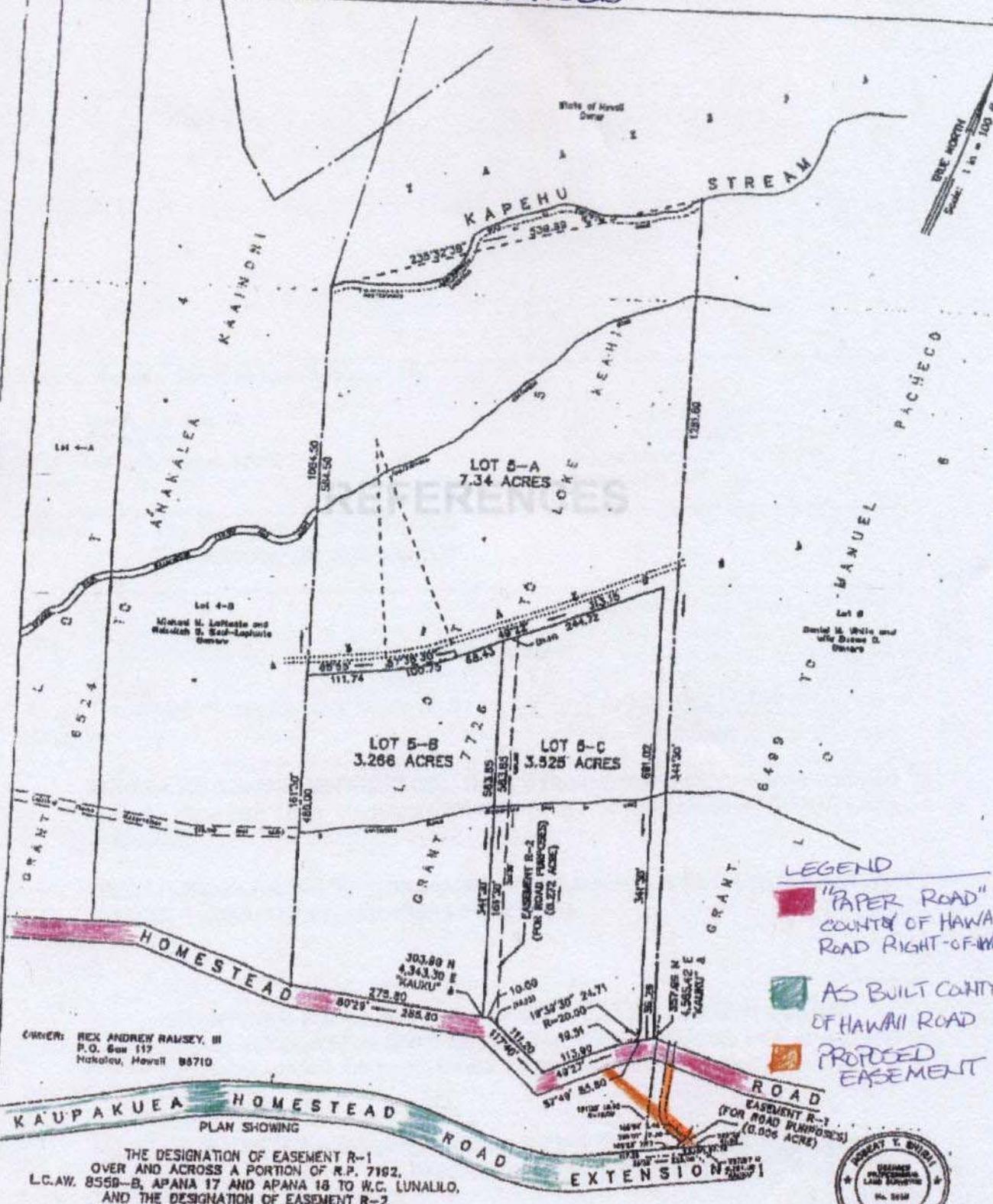
TMK: (3) 2-8-02:28
PORTER

TMK: (2) 2-8-02:17
STATE LAND

400

300

EXHIBIT "A"
 Map of Easement R-1
 (reduced)
 REVISED



LEGEND

- "PAPER ROAD" COUNTY OF HAWAII ROAD RIGHT-OF-WAY
- AS BUILT COUNTY OF HAWAII ROAD
- PROPOSED EASEMENT

OWNER: REX ANDREW RAMSEY, III
 P.O. Box 117
 Hahaione, Hawaii 96710

PLAN SHOWING
 THE DESIGNATION OF EASEMENT R-1
 OVER AND ACROSS A PORTION OF R.P. 7192,
 L.C.A.W. 8559-B, APANA 17 AND APANA 18 TO W.C. LUNALILO,
 AND THE DESIGNATION OF EASEMENT R-2
 OVER AND ACROSS A PORTION OF LOT 5-C
 (BEING ALL OF GRANT 7726 TO LOKE KEAHI)
 BOTH FOR ROAD PURPOSES



This work was prepared by me
 or under my supervision.

ROBERT T. SHRAI, PLS
 State of Hawaii Cert. No. 45-5998
 Hawaii Permit No. 46731 PLS

Survey and Plan by Island Survey, Inc.
 P.O. Box 4215, Hilo, Hawaii 96720

REFERENCES

After Recordation, Return by Mail (X) Pickup () to:

Rex A. Ramsey, III
PO Box 117
Hakalau, Hawaii 96710

TG: 2003-29823
TGE: A3-302-1403
Yvonne Santos
Total pages: SIX

Affects: Tax Map Key (3) 2-8-002-009
Tax Map Key (3) 2-8-003-001

GRANT OF EASEMENT

This Grant of Easement is made on this 10th day of December,
2003, by:

MAUNA KEA AGRIBUSINESS CO., INC., a Hawaii corporation, whose address is Post Office Box 1826, Papaikou, Hawaii 96781-0015 (hereafter "GRANTOR"), in favor of:

REX ANDREW RAMSEY, II, unmarried, whose address is Post Office Box 117, Hakalau, Hawaii 96710 (hereafter "GRANTEE").

Recitals.

- a. GRANTOR is the fee simple owner of TMK 3rd 2-8-003-001, a parcel located at Kaupakuea and Makahanaloa, District of South Hilo, Island and County of Hawaii, State of Hawaii (hereafter referred to as "SERVIENT PARCEL").
- b. GRANTEE is the fee simple owner of TMK 3rd 2-9-002-009, a 3.525 acre parcel in the vicinity of GRANTOR's parcel (hereafter referred to as "DOMINANT PARCEL").

- c. GRANTEE has requested an easement across GRANTOR's parcel for ingress and egress.
- d. GRANTOR agrees to the grant of easement requested by GRANTEE.

WITNESSETH:

Now, therefore, in consideration of the mutual covenants contained herein:

1. Grant of Easement.

Grantor hereby grants Grantee a nonexclusive easement for the purposes of ingress and egress over an approximate 30 foot wide (.006 acre) portion of the Servient Parcel as shown on the Survey and Plan prepared by Robert T. Shirai, Licensed Professional Land Surveyor (No. 5985) on March 28, 2003, as **EASEMENT R-1**. The relevant portions of said map are attached as Exhibit "A" and incorporated herein.

2. Maintenance and Repairs.

Grantee shall be solely responsible for maintenance, repair and upkeep of the area, which is subject of the easement. Grantee may improve the area affected by this easement at his own cost and expense; provided that said improvements do not prevent, hinder or impede the reasonable use of the Servient Parcel. Grantee shall indemnify and hold Grantor harmless from any loss, cost or damage resulting from Grantee's failure to maintain the easement area when such loss, cost or damage arises or proximately results from the negligence or wrongful act of Grantee, Grantee's tenants, family, invitees, servants or guests.

3. Duration, Modification and Termination.

The duration of the easement granted herein shall be perpetual; provided that the parties may modify or terminate this easement by executing and recording a document to that effect in the Bureau of Conveyances, State of Hawaii.

4. Binding Effect; No Warranties.

This Grant of Easement shall be binding upon, and shall inure to the benefit of the parties and their respective heirs, devisees, personal representatives, successors and assigns. This Grant of Easement shall be deemed to **RUN WITH THE LAND**, however, nothing herein shall be construed as a conveyance by either party of his respective rights in fee simple nor conveying express or implied warranties by Grantor and Grantee.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS GRANT OF EASEMENT ON THE DATE WRITTEN ABOVE.

MAUNA KEA AGRIBUSINESS
CO, INC.
a Hawaii corporation

By: 
Its: JOHN C. CROSS, President

By: 
Its: BEVERLY CRUDELE, ASSISTANT SECRETARY

GRANTOR

REX ANDREW RAMSEY, II

By: _____
SHERYL FLETCHER
His Attorney-In-Fact

GRANTEE

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS GRANT OF EASEMENT ON THE DATE WRITTEN ABOVE.

**MAUNA KEA AGRIBUSINESS
CO, INC.**
a Hawaii corporation

By: _____
Its: _____

By: _____
Its: _____

GRANTOR

REX ANDREW RAMSEY, II

By: 

SHERYL FLETCHER
His Attorney-In-Fact

GRANTEE

STATE OF HAWAII)
)
COUNTY OF HAWAII) SS.

On this 10th day of December, 2003, before me personally appeared JOHN C. CROSS, and BEVERLY Y. CRUDELE, to me known to be the persons described in (or having provided satisfactory evidence of their identity) and being duly sworn on oath did say that:

1. They are President and ASSISTANT SECRETARY, respectively of **MAUNA KEA AGRIBUSINESS CO., INC.**, a Hawaii corporation;
2. They are duly authorized by the Board of Directors of said corporation, to execute the foregoing **Grant of Easement** on behalf of the corporation;
3. That they executed the foregoing **Grant of Easement**, and acknowledged to me that they executed the same as the free act and deed of the corporation.

Nora Rosario

L.S.

Notary Public, State of Hawaii

Nora Rosario

Printed or Typed Name of Notary

My commission expires: DEC 13 2006

STATE OF HAWAII)
)
COUNTY OF HAWAII) SS.

On this _____ day of _____, 2003, before me personally appeared **SHERYL FLETCHER**, to me known to be the person described in (or having provided satisfactory evidence of her identity) and who executed the foregoing **Grant of Easement on behalf of REX ANDREW RAMSEY, II**, and acknowledged to me that she executed the same as the free act and deed of said Rex Andrew Ramsey, II.

Notary Public, State of Hawaii

Printed or Typed Name of Notary

My commission expires: _____

STATE OF HAWAII)
)
COUNTY OF HAWAII) SS.

On this _____ day of _____, 2003, before me personally appeared _____, and _____, to me known to be the persons described in (or having provided satisfactory evidence of their identity) and being duly sworn on oath did say that:

1. They are _____ and _____, respectively of **MAUNA KEA AGRIBUSINESS CO., INC.**, a Hawaii corporation;
2. They are duly authorized by the Board of Directors of said corporation, to execute the foregoing **Grant of Easement** on behalf of the corporation;
3. That they executed the foregoing **Grant of Easement**, and acknowledged to me that they executed the same as the free act and deed of the corporation.

Notary Public, State of Hawaii

Printed or Typed Name of Notary
My commission expires: _____

STATE OF HAWAII)
)
COUNTY OF HAWAII) SS.

On this 10th day of December, 2003, before me personally appeared **SHERYL FLETCHER**, to me known to be the person described in (or having provided satisfactory evidence of her identity) and who executed the foregoing **Grant of Easement on behalf of REX ANDREW RAMSEY, II**, and acknowledged to me that she executed the same as the free act and deed of said Rex Andrew Ramsey, II.

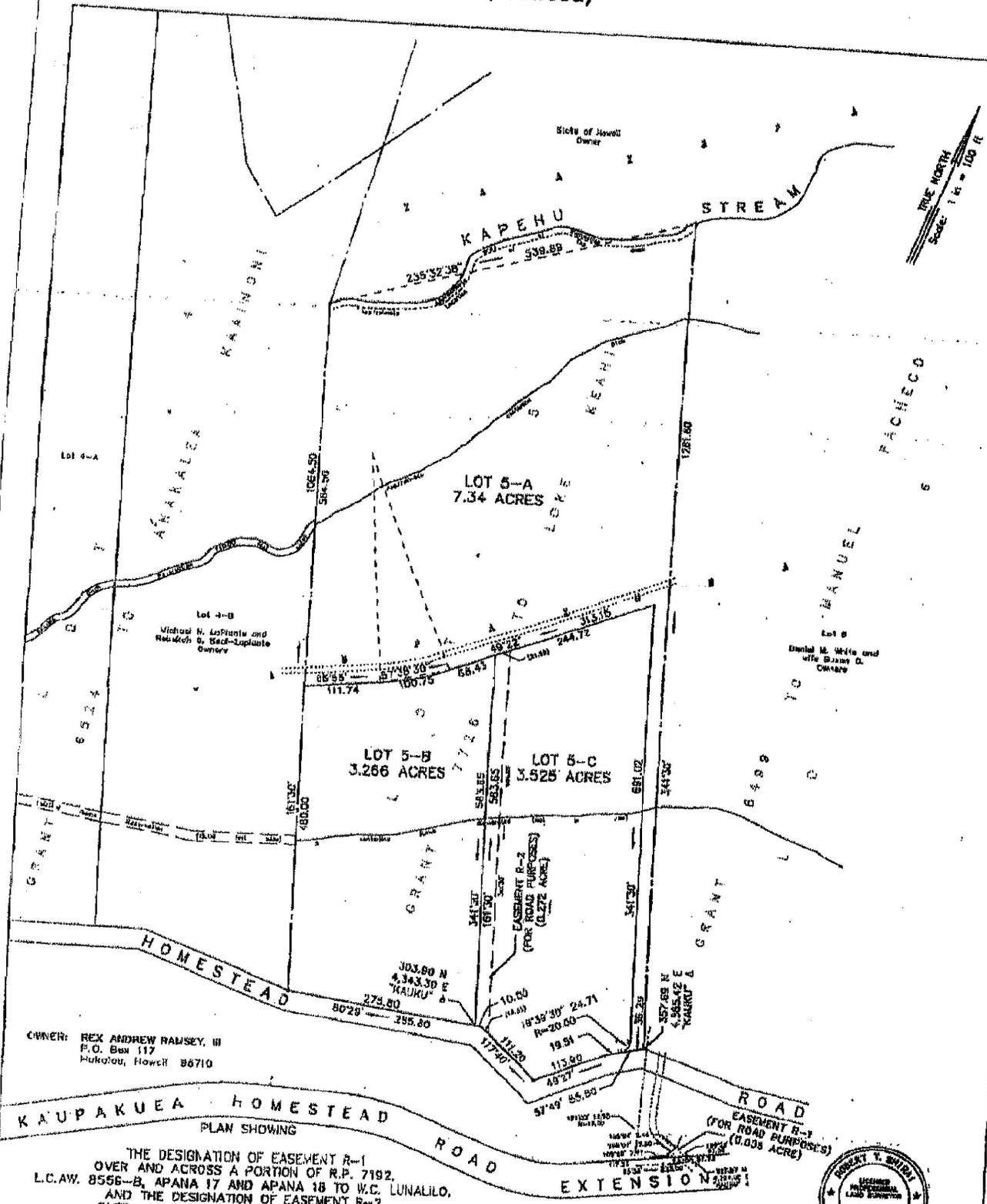


Notary Public, State of Hawaii

Yvonne Santos
Expiration Date: February 10, 2006

Printed or Typed Name of Notary
My commission expires: 2/10/2006

Exhibit "A"
Map of Easement R-1
(reduced)



OWNER: REX ANDREW RAMSEY, III
 P.O. Box 117
 Hukouou, Hower 86710

KAUPAKUEA HOMESTEAD ROAD EXTENSION
 PLAN SHOWING
 THE DESIGNATION OF EASEMENT R-1
 OVER AND ACROSS A PORTION OF R.P. 7192,
 L.C.A.W. 8556-B, APANA 17 AND APANA 18 TO W.C. LUNALILO,
 AND THE DESIGNATION OF EASEMENT R-2
 OVER AND ACROSS A PORTION OF LOT 5-C
 (BEING ALL OF GRANT 7726 TO LOKE KEAHI)
 BOTH FOR ROAD PURPOSES



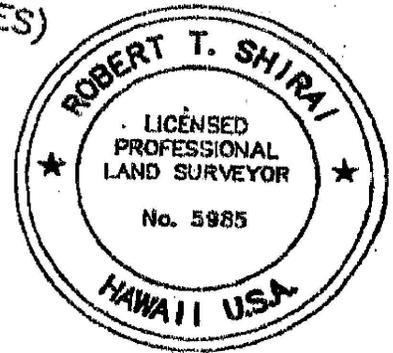
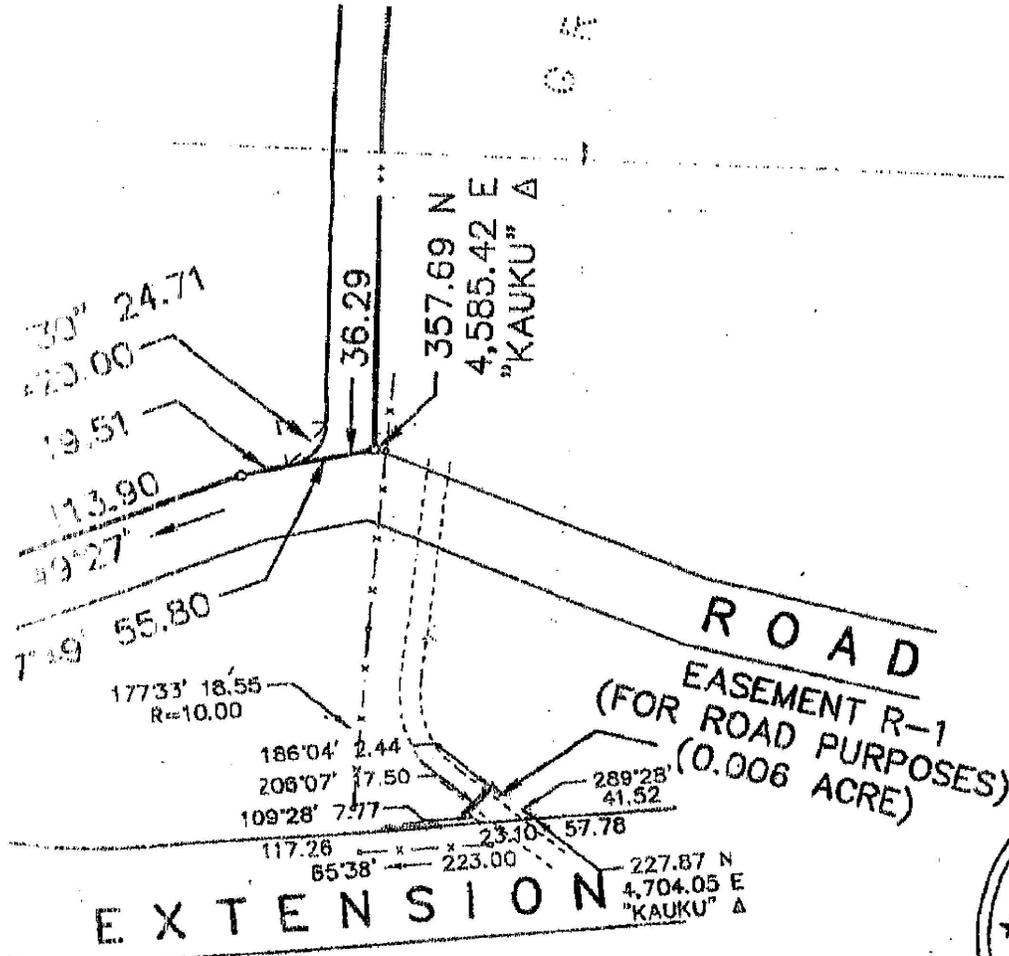
KAUPAKUEA AND MAKAHANALOA, SOUTH HILO, ISLAND OF HAWAII, HAWAII

Survey and Plan by Island Survey, Inc.
 P.O. Box 4215, Hilo, Hawaii 96720

This work was prepared by me
 or under my supervision.

ROBERT Y. SHIRA, PLS
 State of Hawaii Cert. No. 15-5988
 Hilo, Hawaii

Exhibit "A"
 Map of Easement R-1
 (enlarged)



This work was prepared by me
 or under my supervision.

ROBERT T. SHIRAI, PLS
 State of Hawaii Cert. No. LS-5985
 License Expires April 30, 2004



Figure 1

Standing on MKA land, left of culvert looking at State Land on other side of ditch. Dan White property starts near top hill



Figure 2

Homestead Road and MKA easement



Figure 3
New driveway to start left of curve at end of blacktop



Figure 4
Hilo side of culvert



Figure 5

Ditch leading into Hilo side of culvert



Figure 6

North side of culvert



Figure 7

Looking north at ditch leaving culvert



Figure 8

Looking up ditch towards Hilo away from culvert



Figure 9
Close up of ditch Hilo side of culvert showing vegetation growing on sides
And bottom

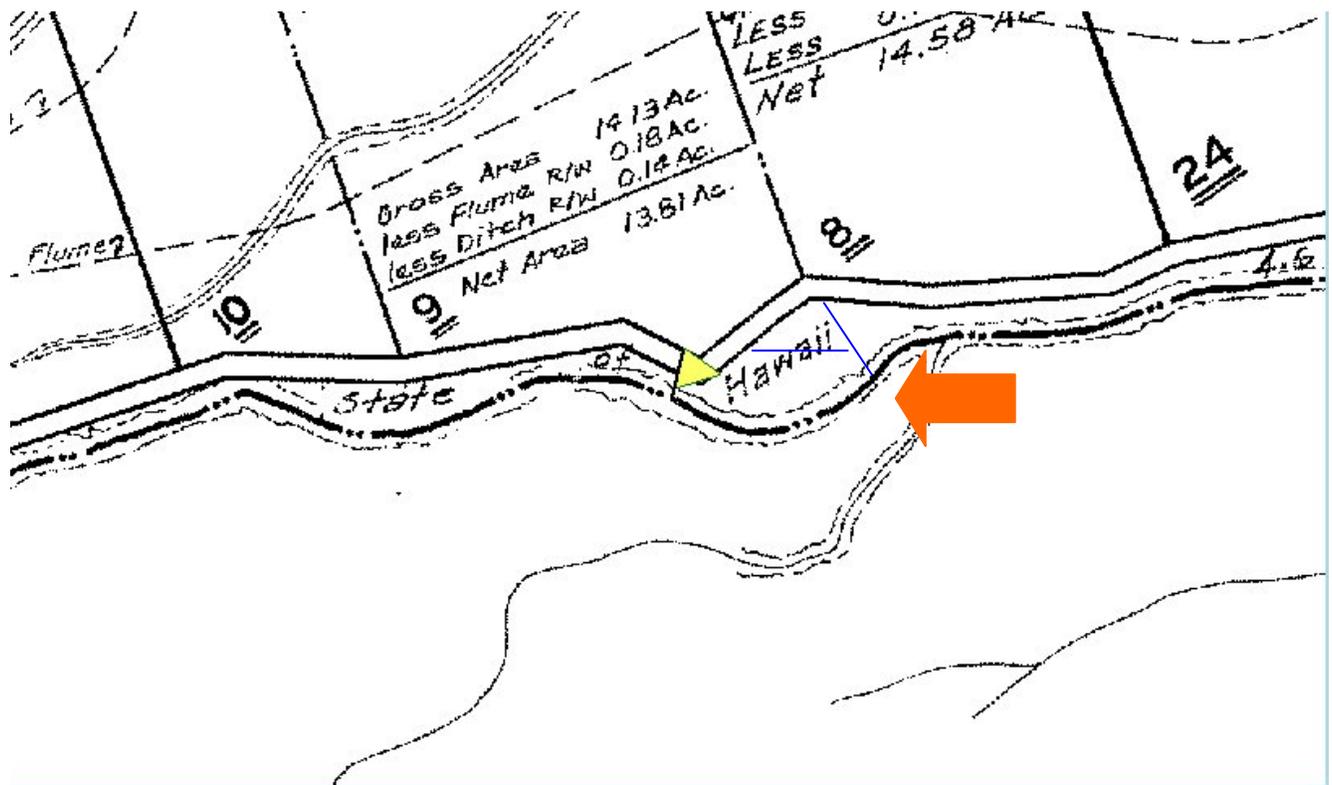


Figure 10
Standing on Homestead Rd looking towards Hilo at State Land and Existing driveway

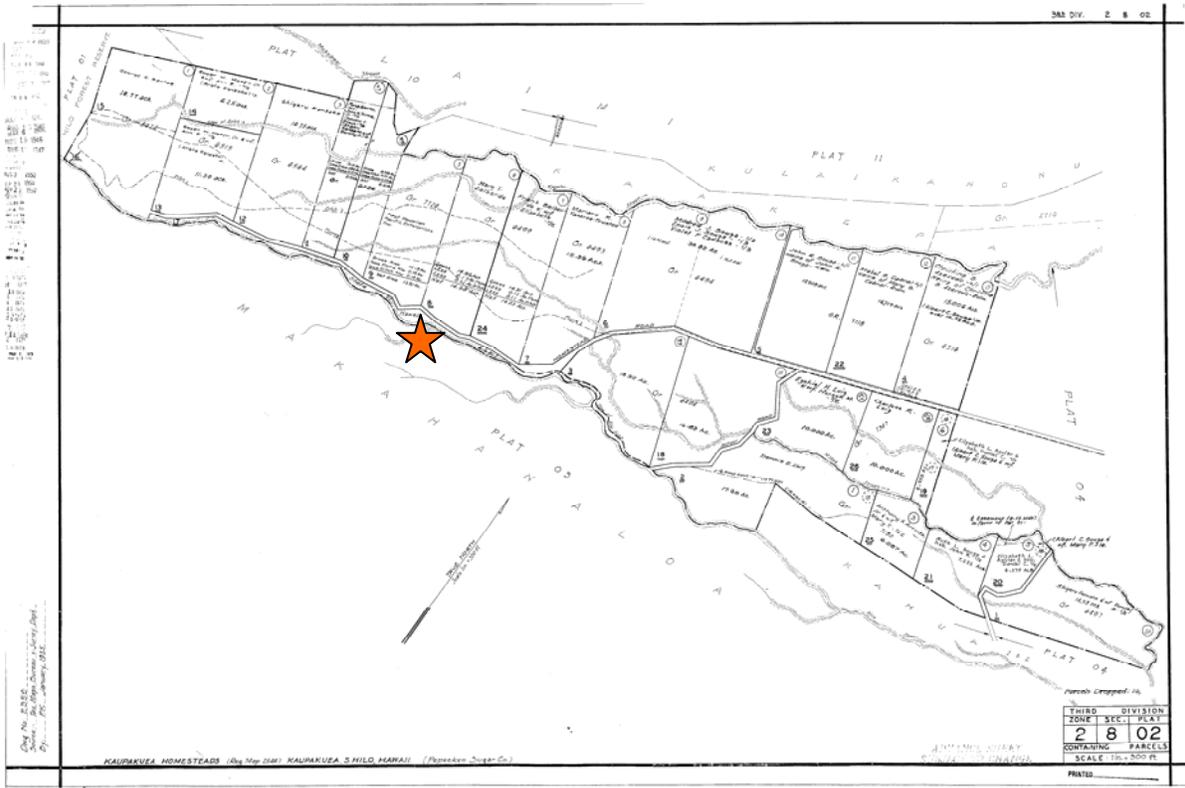


Figure 11

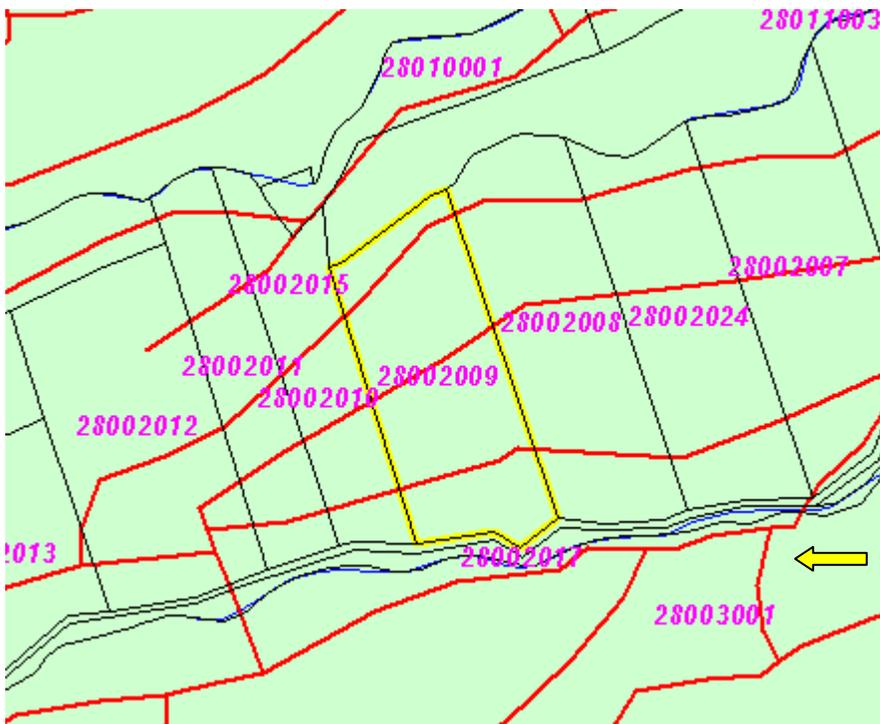
Standing on Homestead looking Mauka at MKA & State Land with existing driveway



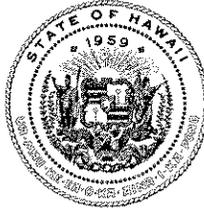
State Land is shown by Yellow arrow Total size is 4.6 acres
 Red arrows points to start of easement
 Proposed Easement is a Blue Line



Tax Map



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 5, 2006

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref. No.: 03HD-353
Author: LD-GH

MEMORANDUM

TO: Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Peter T. Young, Chairperson
Board of Land and Natural Resources

SUBJECT: Finding of No Significant Impact (FONSI) to the Environment for Easement Across State Lands; Kaupakuea, South Hilo, Hawaii, TMK: 3rd/2-8-02:17.

The Department of Land and Natural Resources, Land Division, has reviewed the comments received during the 30-day public review period and the applicant's responses to these comments for the above referenced environmental assessment. Accordingly, we have determined that this project will not have a significant environmental effect and have issued a FONSI determination. Please publish this notice in your next scheduled publication of the Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the final environmental assessment.

If you have any questions, please feel free to contact Gordon Heit at (808) 974-6203. Thank you.

Enclosures

cc: Land Board Member
Central Files
District Files

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

06 APR 12 08:28

RECEIVED

7/23/05
leg.

OEQC BULLETIN PUBLICATION FORM

(See instructions that follow)

1. Project Name: Kaupakuea Homestead Easement

Type of Document (*check one*): Draft EA Final EA EIS prep notice draft EIS final EIS NEPA Other (explain):

check if applicable: revised document supplemental document

Legal Authority (*check one*): chapter 343 HRS Oahu SMA NEPA
Agency determination: Anticipated FONSI FONSI FEIS acceptance

Applicable sections (*check all that apply*):

- use of state or county lands or funds
- use of conservation district lands
- use within shoreline setback area
- use of historic site or district
- wastewater facility, waste-to-energy facility, landfill, oil refinery, or power-generating facility
- use of land in the Waikiki district
- amendment to county general plan
- reclassification of conservation lands
- construction or modification of helicopter facilities

2. Island: Hawaii
Judicial District: South Hilo
Tax Map Key Number: 3-2-8-02; portion of 17

3. Applicant or proposing agency: Department of Land and Natural Resources
Address: 75 Aupuni St.
PO Box 936
Hilo, HI 96721
Contact: Gordon Heit Phone: 974-6203

Note for EAs: when the applicant is a state or county agency ("proposing agency"), the proposing agency and the approving agency are the same.

4. Approving Agency (EAs) or Accepting Authority (EISs): SAME
Address:

Contact: Phone:

5. Consultant: Ms. Sheryl Fletcher
Address: RR 2 Box 4061
Pahoa, Hawaii 96771
Contact: Sheryl Fletcher Phone: 965-7782

6. Public Comment Deadline:

7. Permits required prior to implementation: None

8. Project Summary (*name of file*):
(*not required for final documents if no change from the draft*)

9. Public Library Copy: (*not required for final EAs*)

10. Please publish notice of (*check all that apply*): Safe Harbor Agreement Accreted land Habitat conservation plan Incidental take license

11. This form was prepared by: Terin Gloor

Phone: 808-756-7725

RECEIVED
 06 APR 12 AM 8:28
 DEPT. OF ENVIRONMENTAL QUALITY CONTROL
 RECEIVED
 LAND DIVISION
 HILO, HAWAII
 2006 APR -4 P 1:22