

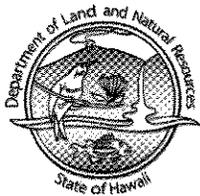
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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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

APR 26 2006

TO: Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for Conservation District Use Application (CDUA) HA-3291

The Department has reviewed the Peck CDUA HA-3291, and Final Environmental Assessment (FEA) for the construction of a Single Family Residence located the Kaiwika Homesteads, South Hilo, Hawai'i, TMK: (3) 2-6-011:031. The Draft Environmental Assessment (DEA) for CDUA HA-3291 was published in OEQC's March 8, 2006 *Environmental Notice* for the subject project.

The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. The FONSI does not constitute approval of the CDUA; authority to grant or deny the final permit lies with the Board of Land and Natural Resources.

Please publish this notice in OEQC's upcoming May 8, 2006 *Environmental Notice*. We have enclosed four copies of the FEA and CDUA HA-3291 for the project. The OEQC Bulletin Publication Form is attached. Comments on the draft EA were sought from relevant agencies and the public, and were included in the FEA.

Please contact Michael Cain of our Office of Conservation and Coastal Lands staff at 587-0380 if you have any questions on this matter.

cc: Lawrence Peck

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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

MAY 23 2006

Peck Single Family Dwelling Environmental Assessment

FINAL ENVIRONMENTAL ASSESSMENT
April 23, 2006

PECK SINGLE FAMILY RESIDENCE AND
ASSOCIATED IMPROVEMENTS
IN CONSERVATION DISTRICT
SUBZONE RESOURCE

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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OFFICE OF CONSERVATION
AND COASTAL LANDS

TMK:(3) 2-006-011-031
Kaiwiki Homesteads, Hilo District, Island of Hawaii, State of Hawaii

APPLICANT:

Lawrence P Peck
16-643 Kipimana St.
Unit 14
Keaau, HI 96749

**ACCEPTING
AUTHORITY:**

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

CLASS OF ACTION:

Use of Private Land in Conservation District

DEPT. OF ENVIRONMENT
& NATURAL RESOURCES
QUALITY CONTROL

06 MAY -8 P 3:19

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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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Responses and replies

1. Letter from DLND-DOFAW, Land Division
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3. County of Hawaii Planning Department
4. Reply to County of Hawaii Planning Department
5. Claudia Rohr
6. Reply to Claudia Rohr
7. State of Hawaii Office of Hawaiian Affairs
8. Reply to Office of Hawaiian Affairs

SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Project Summary

Lawrence Peck proposes to build a single-family residence and related improvements on a 25.2-acre property in the Kaiwiki Homestead area of the Hilo District in the County of Hawaii that lies within the Conservation District. The proposed residence would consist of a single 2 story structure occupying a total of 4,019 square feet (sf) with another 355 sf of utility structures. The 24-foot 11- inch tall SFR structure would consist of 1900 sf of living area; 532 sf of decking; a 467 sf enclosed garage and a 400 sf carport of the first floor and 564 sf of living area (master bedroom) and 156 sf of deck on the second floor. SFR is discussed in depth in the CUDA.

All funding is private and work would begin upon approval of CDUA. No archaeological features found on the property.

Short Term Impacts

Construction Impacts: Land clearing and construction activities would produce minor short-term impacts to noise, air quality, and scenery. In order to minimize construction-related damage to air and water quality, the following mitigation measures are proposed:

Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall; fuel storage and use will be conducted to prevent leaks, spills or fires; construction materials, petroleum products, wastes and debris will be prevented from blowing, falling, flowing, washing or leaching. No construction will be performed near the Maile Stream. Construction will be limited to daytime hours.

Long Term Impacts

Visual: Clearing the undesirable vegetation and leaving the native ohia, koa and hapu will soften the visual impact from Kaiwiki Road.

Economic: The proposed project will have a positive effect on land values. Increased land values increases property tax providing increased revenue for the County. An increase in products and supplies needed to maintain the land, home and improvements increases sales for local business.

PART 1: PROJECT DESCRIPTION

1.1 Project Description and Location

Lawrence Peck proposes to build a single-family residence and related improvements on a 25.2-acre parcel located in Kaiwiki Homesteads in the Hilo district of the County of Hawaii that lies mainly within the Conservation District (Figs. 1-4). The proposed residence and other structures would cover 4,374 square feet, total area. Of that area the 2 story residence would occupy 4,019 square feet (sf). The 24-foot, 11- inches tall structure would consist of the following:

The SFR will consist of a garage, carport, 2 decks and entry lanai, living room, kitchen, dining room,

family room, 3 bedrooms and 2.5 baths on the first floor. The second floor will consist of the master bedroom, bath and deck.

Other improvements include an Individual Wastewater System (cesspool), 100 sf utilities outbuilding, water storage tank and gravel driveway.

The design of the proposed project is one that considers the natural features and lay of the land. The project site is located on a rise in a generally level area with minimum slope. The residence was designed as a post and pier structure to minimize the need for heavy equipment and extensive grading. The road is gravel; no paving is proposed for similar reasons.

The physical characteristics of this design fit in with the style of homes that have been built in the area. The post and pier and board foundation with batten siding gives the structures the look and feel of old Hawaii and the plantation days. Post and pier foundation will provide the least amount of disturbance to the ground with no excavation or grading for the foundation necessary.

The project involves leaving the site basically as-is, with minimal disturbance of any natural features on the property and clearing is only for the removal of alien or noxious vegetation.

All funding is private and work would begin as soon as permits are obtained.

No archaeological features are found on the property.

No grading, excavating or grubbing is planned for this project. Clearing will be done by hand and less than an acre is proposed to be cleared.

1.2 Summary of Environmental Assessment Process

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai'i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai'i. *An EA is necessary because the proposed single-family home project involves activity within the Conservation District and the Department of Land and Natural Resources does not consider the project an exempt activity.*

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. If a study concludes that no significant impacts would occur from implementation of the proposed action, a Finding of No Significant Impact (FONSI) will be prepared and an action will be permitted to occur. If a study finds that significant impacts are expected to occur as a result of a proposed action, then an Environmental Impact Statement (EIS) is prepared in order to allow wider investigation of impacts and public involvement.

Section 2 considers alternatives to the proposed project, and Section 3 discusses the existing environment and impacts associated with this project. Section 4 issues the determination (anticipated determination in the Draft EA), and Section 5 lists the criteria and the findings made by the applicant

in consultation with the Department of Land and Natural Resources for this project.

1.3 Agencies and Organizations Consulted, Contacted and/or Referenced

Federal: National Park Service, U.S. Fish and Wildlife Service, National Resources Conservation Service (Hilo).
U. S. Environmental Protection Agency, National Assessment Database, Maile Stream (2002).
Federal Emergency Management Agency (FEMA)
U.S. Census of Population (2000).

State: Hawaii Division of Forestry and Wildlife
Hawaii County Planning Department.
University of Hawaii, Hilo-Geography 1998:57.
Office of Environmental Quality Control.
Division of Aquatic Resources, Hilo.

PART 2: ALTERNATIVES

2.1 Proposed Project

The proposed project is described in Section 1.1 above and its locations and features illustrated in Appendix 1.

2.2 No Action

Under the No Action Alternative, the single-family residence and related improvements would not be built. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project. No other alternative uses for the property are desired by Mr. Peck or addressed in this EA.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

3.1 Basic Geographic Setting

The property, which is presently vacant, overgrown and unused, is along Kaiwiki Road in the Kaiwiki Homesteads area of the Hilo District in the County of Hawaii, on the Island of Hawaii. It is bounded by similar parcels on the east and west, Maile Stream on the south and Kaiwiki Road on the north. Elevations of the property vary from 1740 to 1810 feet above sea level. The surface geology consists of moderately fine textured soils that formed in volcanic ash from Kohala volcano dated from at least 250,000 years ago (Wolfe and Morris 1996). Soil is classified as Akaka, silty clay loam. The ground is moderately permeable, runoff is medium and soil erosion hazard is moderate. This soil type is widely distributed between Glenwood and Laupahoehoe and is not well adapted to farming, though it often supports pasture (U.S. Soil Conservation Service 1973). The climate is generally mild and wet, averaging over 200 inches of rain annually, with a mean annual temperature of approximately 72 degrees Fahrenheit.

3.2 Physical Environment

3.2.1 Drainage, Flooding and Hazards

Environmental Setting

Floodplain status for many areas of the island of Hawai'i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program's Flood Insurance Rate Maps (FIRM). The area of the property where the parcel is located is designated as Zone X on the FIRM maps.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The area is not subject to mass wasting. The United States Geological Survey (USGS) classifies all of Hamakua, which is on the slopes of the dormant volcano Mauna Kea, as Lava Flow Hazard Zone 8, on a scale of ascending risk 9 to 1 (Heliker 1990). Mauna Kea volcano is extinct and therefore the probability of lava flow inundation in this region is negligible.

In terms of seismic risk, the entire Island of Hawai'i 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

Geologic conditions impose no substantial constraints on the project. All structures would conform to seismic standards of the Uniform Building Code. The SFR is not within a designated flood zone, and the parcel significantly above sea level is sufficient to prevent damage from high surf. With regard to earthquakes and high surf, the project presents no additional hazard to the public.

3.2.2 Flora and Fauna

Flora

The dense vegetation (see Exhibits Figure 1 and 2) is dominated by alien and noxious species, especially waiwi (*Psidium cattleianum*) and uluhe fern (*Dicranopteris linearis*). A few common native species such as hapu'u (*Cibotium splendens*) and ohia (*Metrosideros polymorpha*) are present.

**Table 1
Plant Species on Project Site**

Scientific Name	Family	Common Name	Life Form	Status
<i>Acacia hawaiiensis</i>	Fabaceae	Koa	Tree	I
<i>Archontophoenix alexandrae</i>	Arecaceae	Alexander Palm	Palm tree	A
<i>Dicranopteris linearis</i>	Dicksonia	Hapu fern	Fern	I
<i>Cibotium Splendens</i>	Gleicheniaceae	Uluhe fern	Fern	I
<i>Metrosideros polymorpha</i>	Myrtaceae	Ohia, Ohia lehua	Tree	I
<i>Psidium cattleianum</i>	Myrtaceae	Waiwi	Tree	A
<i>Syzygium jambos</i>	Myrtaceae	Rose apple	Tree	A

* A = alien; I = indigenous; E = endemic

Fauna

Field survey and past records indicate that introduced species of bird are likely to be found in the area. Common mynah, sparrows, cardinals and finch may be sighted over a span of time. Waiwi trees can be nesting areas for some of these species. Native birds such as Hawaiian Owl and Hawaiian Hawk may occasionally fly over this area.

Ground animals that may be found are introduced species. These include mongoose, rat, dog, and feral pigs. Cattle once grazed on this parcel as well as adjoining parcels. The most prolific of these ground animals is the feral pig. Coque frogs have been found in lower parcels of Kaiwiki Homesteads and will most likely migrate to upper Kaiwiki if not adequately controlled.

Impacts and Mitigation Measures

Because of the relatively minor nature of the project and the lack of threatened or endangered plant and animal species, construction and use of the property is not likely to cause adverse biological impacts. The applicant is planning to do some hand clearing of the property, allowing native plants that are adapted to the wet, mild climate of the area and do not require excessive watering or maintenance to return naturally. The precautions for preventing any effects to water quality during construction listed below in Section 3.2.4 should prevent any adverse impact on aquatic biological resources in coastal waters.

3.2.3 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in Hilo and the Kaiwiki area is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that very rarely blankets the district. This is not a common phenomenon because of the parcel's proximity and distance from Kilauea volcano. During periods of drought this area may experience blowing dust from the gravel roadway.

Noise on the site is low to moderate, and is derived from natural sources (such as wind and stream) as well as faint noise from passing plane or helicopter or an occasional vehicle passing on the gravel road.

The area shares the quality of scenic beauty found on much of the eastside slopes of Mauna Kea and the Hamakua coast.

Impacts and Mitigation Measures

The project would not affect air quality or noise levels in any substantial ways. Brief and minor adverse effects would occur during construction, but there are virtually no sensitive noise receptors in the vicinity, and given the small scale of the project, noise mitigation will likely not be necessary. It is recommended that Conservation District Use Permit conditions require consultation with the Department of Health's Noise, Radiation and Indoor Air Quality Branch, pursuant to the Title 11, Chapter 46, Hawaii Administrative Rules (Community Noise Control).

The construction of the home and associated improvements will introduce modern structures in an area currently lacking any such structures. The home will not be visible from any major roads or highways. It should be recognized that a single-family home is an identified use in the Conservation District, and that any single-family home will have some visual impact. Any such impact will be minimized by the proposed clearing which will leave the vegetation along Kaiwiki Road.

3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on onsite inspection, 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 with the potential to produce polluted runoff will be limited to periods of low rainfall; graded or excavated areas will be stabilized as soon as possible; fuel storage and use will be conducted to prevent leaks, spills or fires; and construction materials, petroleum products, wastes and debris will be prevented from blowing, falling, flowing, washing or leaching into the stream.

3.3 Socioeconomic and Cultural

3.3.1 Land Ownership and Land Use, Designations and Controls

Existing Environment

The subject parcel is bordered by private property on the east and west, and across Kaiwiki Road on the north. Maile Stream borders the parcel on the south.

The State Land Use District for 25.2 acres of the 25.2 acre property is Conservation, subzone Resource, with County zoning A-10a (Agricultural, Minimum lot size 10 acres). The Land Use Pattern Allocation Guide Maps identify the area as Conservation and Extensive Agriculture.

Construction of a single-family home and associated improvements is an approved use within these land use designations, condition upon a Conservation District Use Permit (CDUP) or exemption there from. The consistency of the project with the regulations and policies of the Conservation District are discussed in Section 3.7.2 and 3.7.3.

3.3.2 Socioeconomic Characteristics and Recreation

Existing Environment: Social Characteristics and Recreation

The project site is within the Kaiwiki Homesteads in the Hilo District of the island of Hawaii. Many parts of East Hawaii have experienced high rates of growth associated with the booming visitor industry, and desire for a simpler, more fulfilling life style. Since 1980, population has grown rapidly in all of Hawaii, with growth spurts in 1990 and 2003. The population in the Upper Waiakea Forest Reserve (Hamakua) has grown from 1,748 in 1980 to 4,961 in 2000, an increase in the number of inhabitants of 276%. The population of Hilo alone has grown from 29,255 in 1980 to 49,165 in 2000, an increase in the number of inhabitants of 68%. The Hamakua growth has been mainly due to the subdividing of and selling of former cane lands.

County population increased from 92,053 in 1980 to 148,677 in 2000, an increase of 62% (U.S. Census of Population 2000). The large parcel size (10 to 30+ acre) makes for the subject property and surrounding area to be fairly isolated and low density. The nearest residential area is currently on the adjacent 30+ acre parcel and will be approximately 700 feet away from the proposed building site. The largest community nearby is Wainaku, located about 4 miles east of the subject parcel. The harbor town of Hilo is seven miles southeast. Nine miles to the north are the old sugar plantation communities of Papaikou and Pepeekeo. The nearest structures are located on the adjacent makai (east) parcel consisting of a SFR, detached garage/shop and greenhouse.

There are no public parks, facilities or access on, through or near the parcel.

Impacts and Mitigation Measures

No adverse socioeconomic impacts are expected to result from the project. The SFR and associated improvements will not adversely affect neighbors, or the upper Kaiwiki community.

3.3.3 Cultural Setting

No archaeological, historical and/or a cultural sites, ruins, remains or facilities have been found or are known to exist in the area or on the subject parcel.

Existing Resources

None.

3.3.4.1 Archaeology and Historic Sites

Environmental Setting

The previous land use of the parcel was pasture land for a dairy farm. This would have been one of the typical uses for the area. The considerable alterations of the land would make it highly unlikely that any cultural or historic site of any significance exists.

Impacts and Mitigation Measures

None.

3.3.4.2 Hawaiian Rights

Traditional and Customary Rights

Customary and traditional native Hawaiian rights will not be encroached or violated due to the proposed project. The previous use of the land and the known historic use of the area does not indicate that this area was used by native Hawaiians for cultural or religious purposes.

Though this area is not known to have been used by native Hawaiians for cultural or religious purpose the proposed use will not interfere with any native Hawaiian rights should some new information to the contrary be found. The proposed use of this parcel will not inhibit or prevent any historic or cultural

native Hawaiian use. The proposed use of this parcel will not inhibit or prevent access to the shoreline, water rights, religious, cultural use and/or gathering rights.

Impacts and Mitigation Measures

Any and all findings shall be addressed in accordance with Section E-46-6, Hawaii Revised Statutes and Chapter 13-300, Hawaii Revised Administrative Rules.

3.4 Public Facilities and Utilities

3.4.1 Vehicular Access

Existing Environment

The parcel is accessed via County maintained gravel portion of Kaiwiki Road. Kaiwiki Road is a paved road leading from Hwy. 19. The upper portion, approximately 2 miles, is gravel, not paved. The northeast corner of the subject parcel is approximately 800 feet from the end of the paved section of Kaiwiki Road.

Impacts and Mitigation Measures

Due to the small scale of the proposed project, the limited number of additional occupants the project will support, the low density of the area and the limited number of parcels beyond the subject parcel the proposed project will have no adverse affect to vehicular access and no mitigation measures will be necessary.

3.4.2 Other Public Facilities and Utilities

Environmental Setting

There are no public facilities or utilities to or on the subject parcel.

Potable water will be supplied to the residence through a water storage system. The water will be collected from the roof and transferred to a water storage tank via rain gutters and pipes. Solar water heaters will be installed.

Electric power will be provided by a combination of photovoltaic solar panels and a propane-fueled generator.

Wastewater disposal will be through an Individual Wastewater System (cesspool).

Impacts and Mitigation Measures

No adverse impact to public facilities or utilities will occur.

3.5 Secondary and Cumulative Impacts

The small scale of the proposed project will not produce any major secondary impacts, such as

population changes or effects on public facilities. The presence of a responsible family on the land will encourage preservation of natural features and appropriate treatment of the resources.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. The adverse effects of constructing single-family residences are very minor and temporary and are limited to disturbance to air quality, noise, and visual quality during construction. It should once again be noted that this area is isolated and low density and the parcels are relatively large, 10 to 30 acres. Accumulation of adverse construction effects or long term impacts would be highly unlikely.

No special mitigation measures should be required.

Cumulatively, the emergence of residences in this area will gradually lessen the "jungle" abandoned character of the area. Development of the parcels and property in the upper Kaiwika Homesteads will improve the area through management, removal of alien and undesirable vegetation, which may be viewed as beneficial for those who wish to restore or enhance the natural and scenic values.

3.6 Required Permits and Approvals

County of Hawaii: Building permit.

State of Hawaii: Conservation District Use Permit

3.7 Consistency with Government Plans and Policies

3.7.1 Hawaii County General Plan

The *General Plan* for the County of Hawaii is the document expressing the broad goals and policies for the long-range development of the Island of Hawaii. The plan was adopted by ordinance in 2005. The *General Plan* is organized into thirteen elements, with policies, objectives, standards, and principles for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawaii. Below are pertinent sections followed by a discussion of conformance.

ECONOMIC GOALS

Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.

Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.

Strive for diversity and stability in the economic system.

Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Discussion: The proposed project is in balance with the natural and social environment of the County, and it would create temporary construction jobs for local residents and indirectly affect the economy

through construction industry purchases from local suppliers. A multiplier effect takes place when these employees spend their income for food, housing, and other living expenses in the retail sector of the economy. Such activities are in keeping with the overall economic development of the island.

ENVIRONMENTAL QUALITY GOALS

Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.

Maintain and, if feasible, improve the existing environmental quality of the island.

ENVIRONMENTAL QUALITY POLICIES

Take positive action to further maintain the quality of the environment.

ENVIRONMENTAL QUALITY STANDARDS

Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and well being, through the enforcement of appropriate Federal, State and County standards.

Incorporate environmental quality controls either as standards in appropriate ordinances or as conditions of approval.

Discussion: The proposed project would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. Given the extreme low density of the use (one home on more than 10 acres), the residence and associated improvements would be compatible with the existing developed and undeveloped area of upper Kaiwiki.

The proposed project provides for the maintenance and improvement of the environmental quality of the area.

FLOOD CONTROL AND DRAINAGE GOALS

Conserve scenic and natural resources.

Protect human life.

Prevent damage to man-made improvements.

Control pollution.

Prevent damage from inundation.

Reduce surface water and sediment runoff

FLOOD CONTROL AND DRAINAGE POLICIES

Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

FLOOD CONTROL AND DRAINAGE STANDARDS

Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawaii County Code.

Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).

Applicable standards and regulations of Chapter 10, "Erosion and Sedimentation Control" of the Hawaii County Code.

Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

Discussion: The property is within Zone X, or areas outside the 100-year floodplain, according to the Flood Insurance Rate Maps (FIRM). The improvements are subject to review by the Hawaii County Department of Public Works to ensure that all relevant standards of Chapter 27 and Chapter 10 are addressed.

NATURAL BEAUTY GOALS

Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.

Protect scenic vistas and view planes from becoming obstructed.

Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

NATURAL BEAUTY POLICIES

Increase public pedestrian access opportunities to scenic places and vistas.

Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews.

Do not allow incompatible construction in areas of natural beauty.

Discussion: The construction of the residence and associated improvements will introduce built structures in an area currently lacking any such structures. Although the structures will be approximately 50 feet from Kaiwiki Road, their visibility will be mitigated by the thick vegetation that will be left along Kaiwiki Road. It should be recognized that a single-family home is an identified use in the Conservation District, and that any single-family home will have some visual impact. In order to minimize such impact the proposed clearing of alien and noxious vegetation and leaving all the native trees will lessen the visual impact of the proposed structures.

LAND USE GOALS

Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

LAND USE POLICIES

Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

LAND USE, OPEN SPACE GOALS

Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.

Protect designated natural areas.

LAND USE, OPEN SPACE POLICIES

Open space shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

3.7.2 Conservation District Rules

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

The development of the single-family residence is an identified land use within the Resource subzone and is consistent with the purpose of the district as defined in Chapter 13-5, HAR. The objective of the Resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. The proposed action is a permitted use in the Resource subzone and will not negatively impact the natural resources of the State or be detrimental to the public health, safety or welfare. All construction on the subject property will be consistent with the Building Code requirements of the County of Hawaii. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled *Coastal Zone Management*. 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 subject parcel is not in the SMA district, therefore not subject to SMA Rules.

The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region. The construction activities of this single-family residence will be confined to the owner's lot and will not have any adverse impact on the natural resources of the area, community or region.

The proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel. The proposed use is compatible with other land uses in the area and is appropriate to the existing uses and physical conditions of the property.

The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved. The physical beauty of the lot will not be affected materially by the home construction and landscaping, and open space will be preserved.

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: ANTICIPATED DETERMINATION

Based on evaluation of the environmental setting and impacts, the Hawaii State Department of Land and Natural Resources is expected to determine that the proposed action will not have a significant effect upon the environment and is thus expected to issue 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 natural or cultural resource would be 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 Kaiwiki, Wainaku or Hilo communities or State.
5. *The proposed project does not substantially affect public health in any detrimental way.* The project will not affect public health and safety in any way.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* The small scale of the proposed project will not produce any secondary impacts, such as population changes or effects on public facilities. The presence of a responsible family will encourage preservation of natural features and resources of the areas.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign, therefore, will 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 mostly alien vegetation detrimental to the environment. 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.* Cumulatively, the emergence of scattered residences in this area will gradually transform its character to less of a seeming jungle environment. Development conditions imposed on those who build these residences bring more responsible residence, which may be viewed as beneficial – maintenance of the land, removal of alien species, and improved open spaces– but also as deleterious, for those who wish to preserve the isolation of the area. This project will have no significant contribution to cumulative adverse impacts to cultural resources.

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 will not substantially affect scenic vistas and view planes identified in county or state plans or studies.* The residence is not within view planes identified as important to preserve in the General Plan.

12. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction. The project is not serviced by public utilities therefore no public utilities will be required or affected.

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 Rule.

REFERENCES

University of Hawaii Botany Department, Images and Descriptions of Flowering Plant Families.
<http://www.botany.hawaii.edu/faculty/carr/fpfamilies.htm>

U. S. Geological Service, Volcanic and Seismic Hazards on the Island of Hawaii.
<http://pubs.usgs.gov/gip/hazards/hazards.html>

State of Hawaii, Department of Business, Economic Development and Tourism, Research and Economic Analysis Division, <http://www.hawaii.gov/dbedt/data/ctname2.pdf>, and http://www.hawaii.gov/dbedt/census2k/pop_2000_ct.pdf.

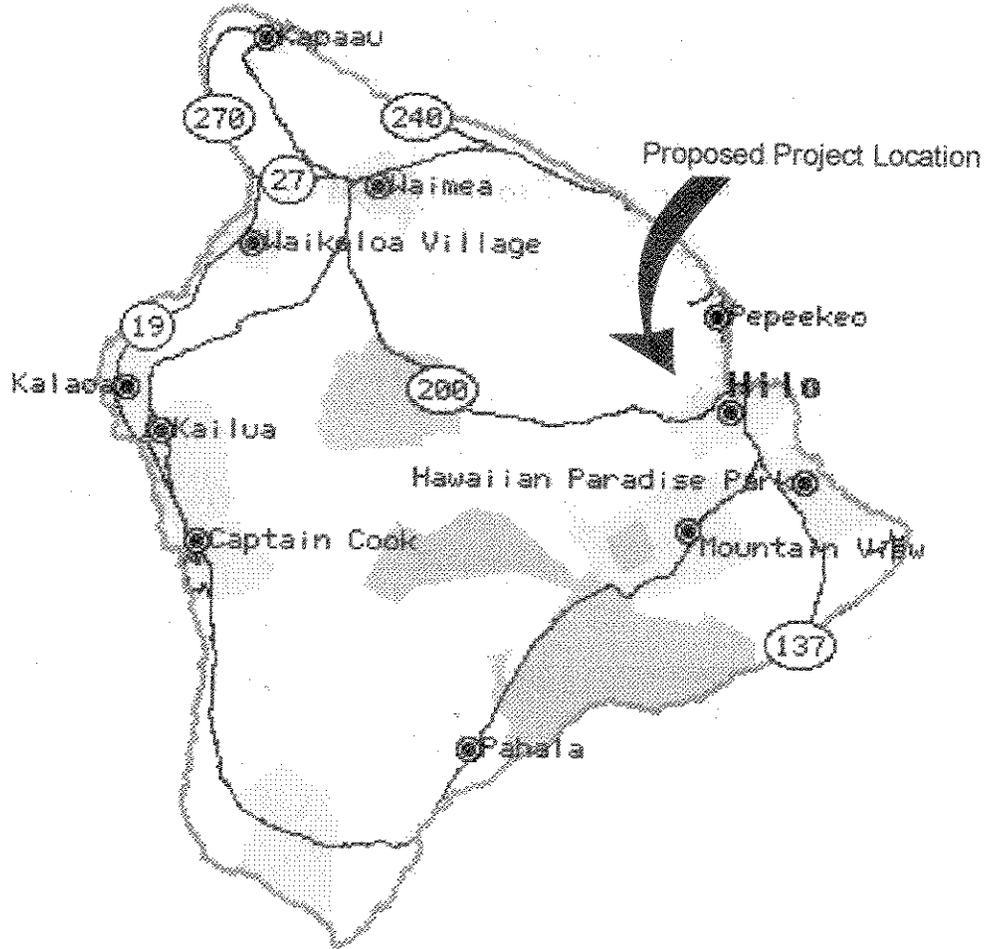
National Resources Conservation Service (formerly U.S. Soil Conservation Service).
<http://www.ctahr.hawaii.edu/soilsurvey/Hawaii/gensoilmapmain.htm>

State of Hawaii, Office of Environmental Quality Control, S. Beretania St., Suite 702, Honolulu, HI 96813 USA, <http://www.state.hi.us/health/oeqc/garden/index.html>

**PECK SINGLE FAMILY DWELLING AND
ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT
ENVIRONMENTAL ASSESSMENT**

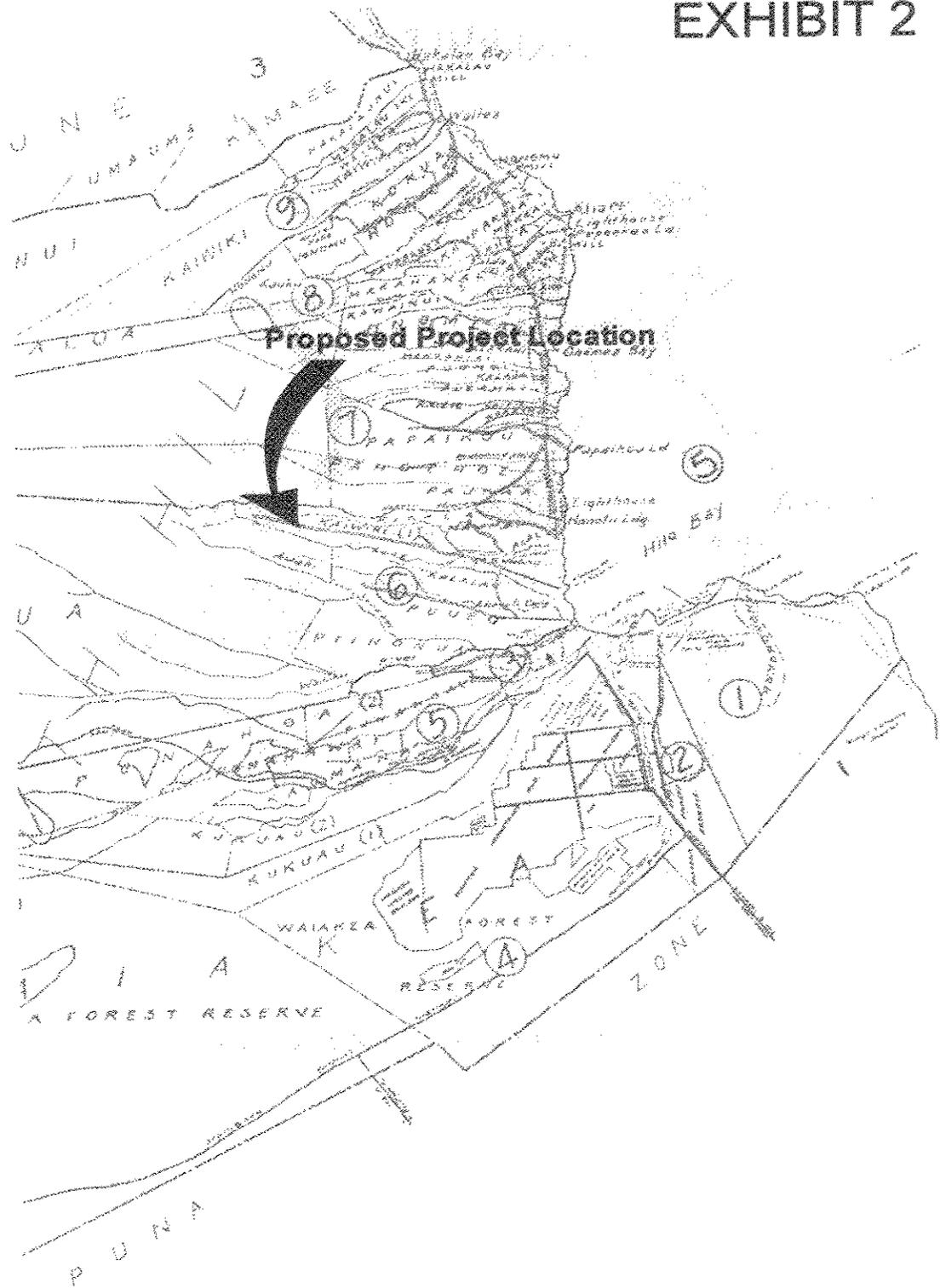
APPENDIX 1

EXHIBIT 1



Map of Hawaii Island showing proposed project location.

EXHIBIT 2



Vicinity map showing the location of proposed project

EXHIBIT 3

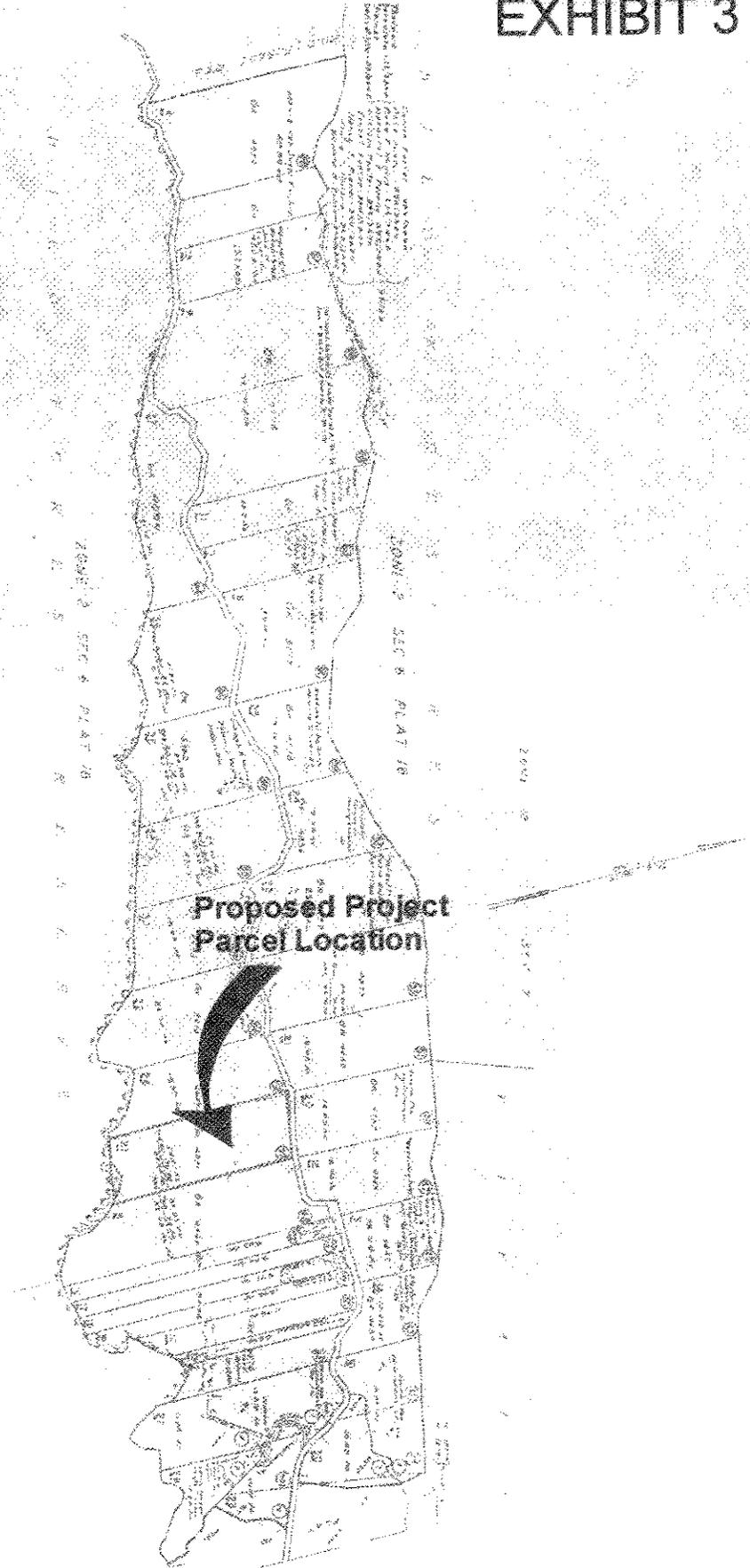
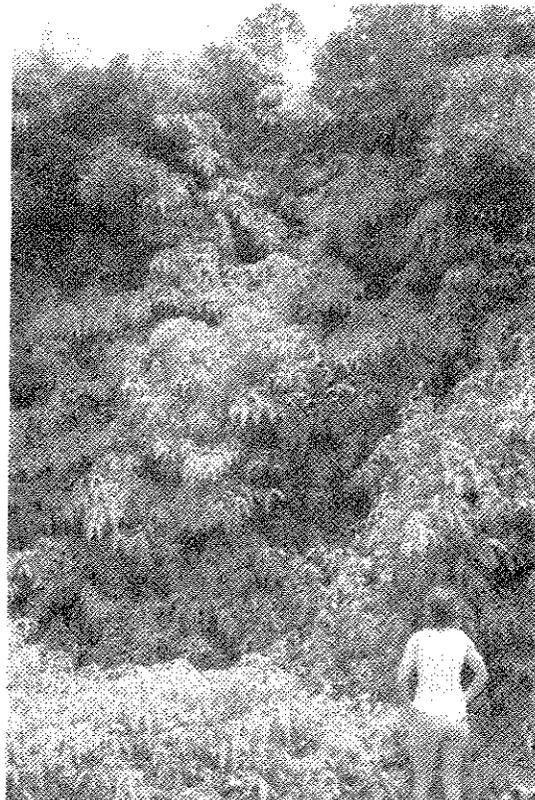


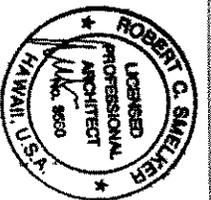
EXHIBIT 4



Proposed building site. Staghorn fern will be cleared by hand.

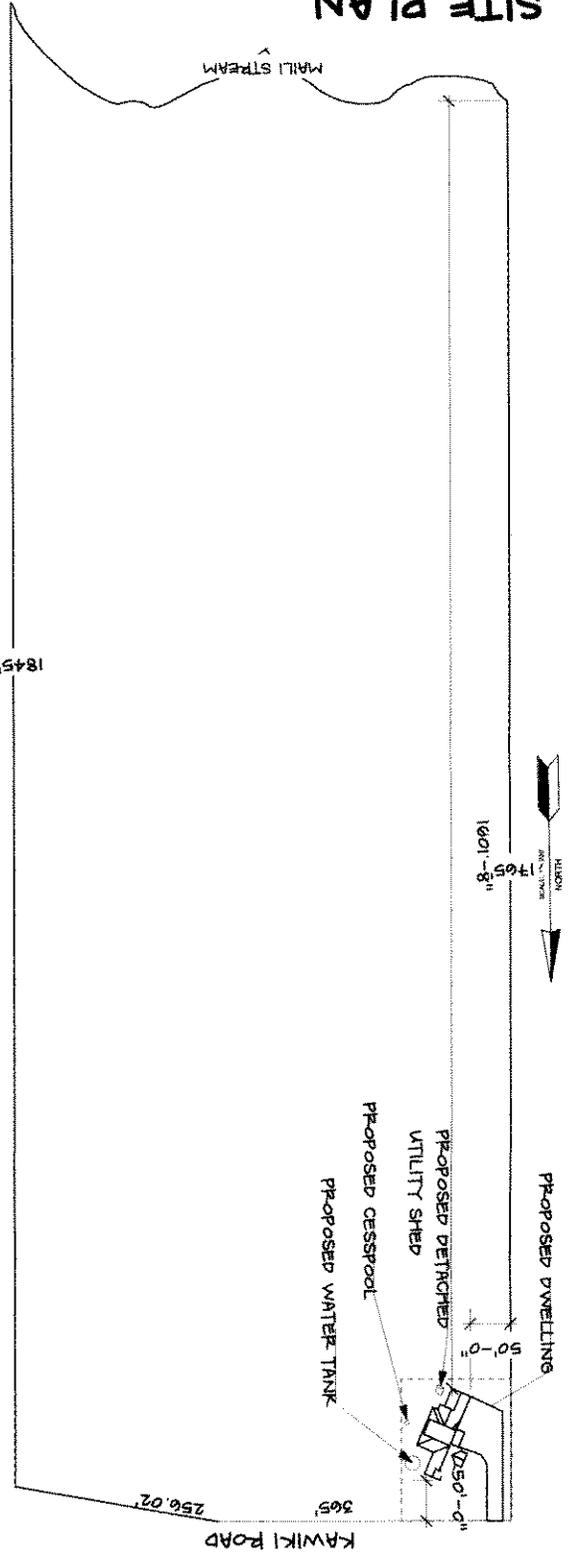


Thick vegetation along Kaiwiki Road.



SCALE 1" = 200'

SITE PLAN

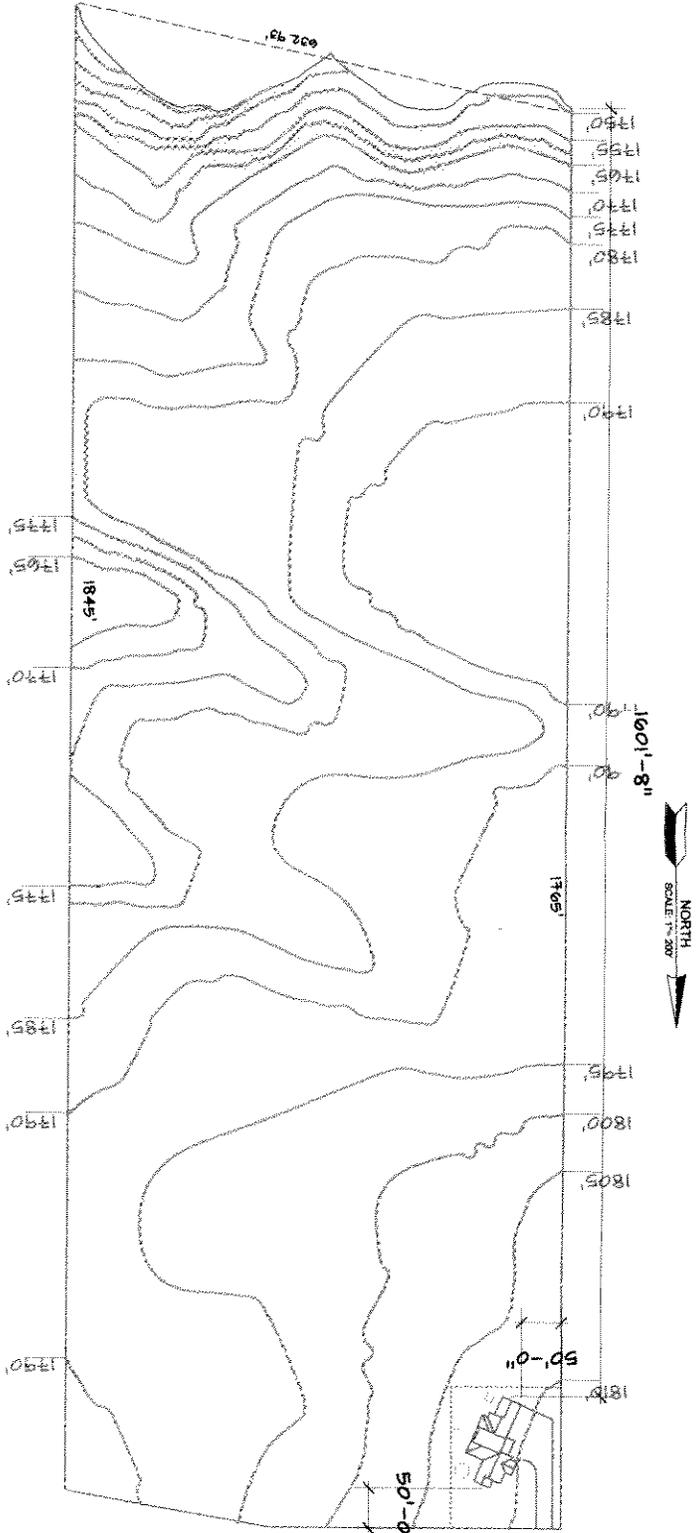


SITE PLAN
LOT 50
Kaiwiki Homesteads Subdivision
Kaiwiki, Hilo District, county of Hawaii, Island of Hawaii
TMK: (3) 2-6-011:031

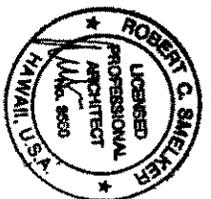
EXHIBIT 5

SHEET

- NOTES:
 1. SURVEY PERFORMED ON THE GROUND ON MAY 27, 2006.
 2. TOPO PERFORMED ON THE GROUND, BY USE OF GPS AND
 BY USE OF DATA COLLECTED FROM USGS TOPOGRAPHICAL MAPS.
 3. ELEVATIONS ARE ASSUMED.
 4. DRAWING SCALE: 1" = 150'

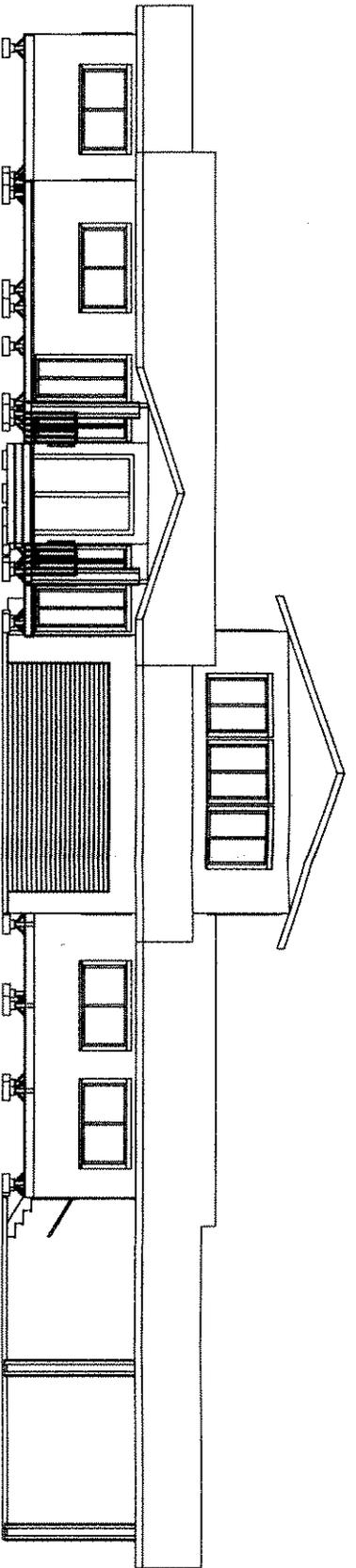


Topographic Map
 showing existing conditions upon
 LOT 50
 Kaiwika Homesteads Subdivision
 Kaiwika, Hilo District, county of Hawaii, Island of Hawaii, Hawaii
 TMK: (3) 2-6-011:031



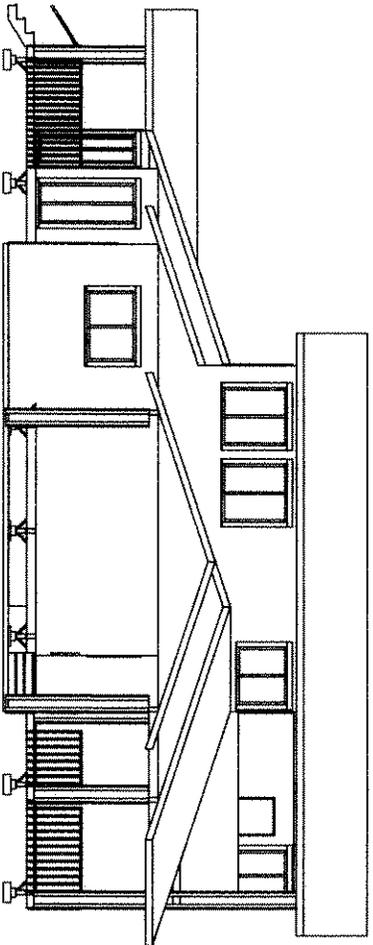
SHEET 1

EXHIBIT 6



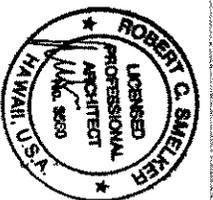
FRONT EXTERIOR ELEVATION

SCALE: N.T.S. (NOT TO SCALE)



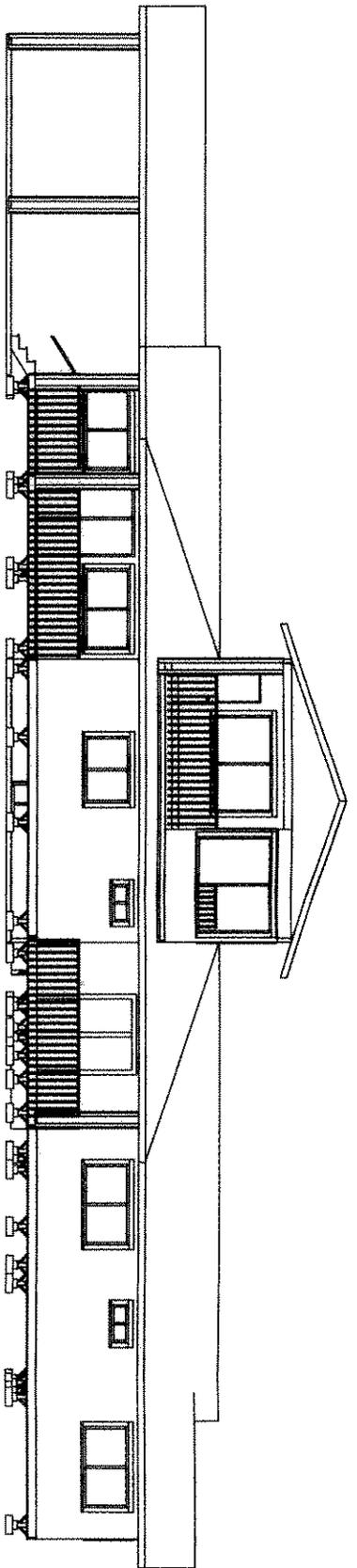
RIGHT EXTERIOR ELEVATION

SCALE: N.T.S. (NOT TO SCALE)



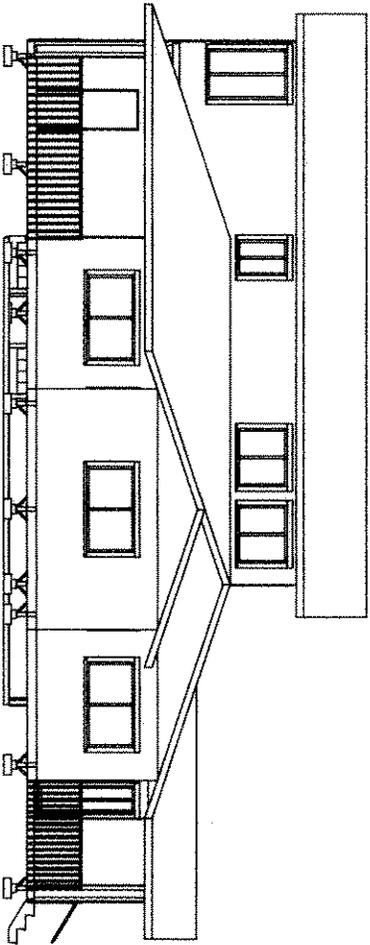
SHEET

EXHIBIT 7



REAR EXTERIOR ELEVATION

SCALE: N.T.S. (NOT TO SCALE)



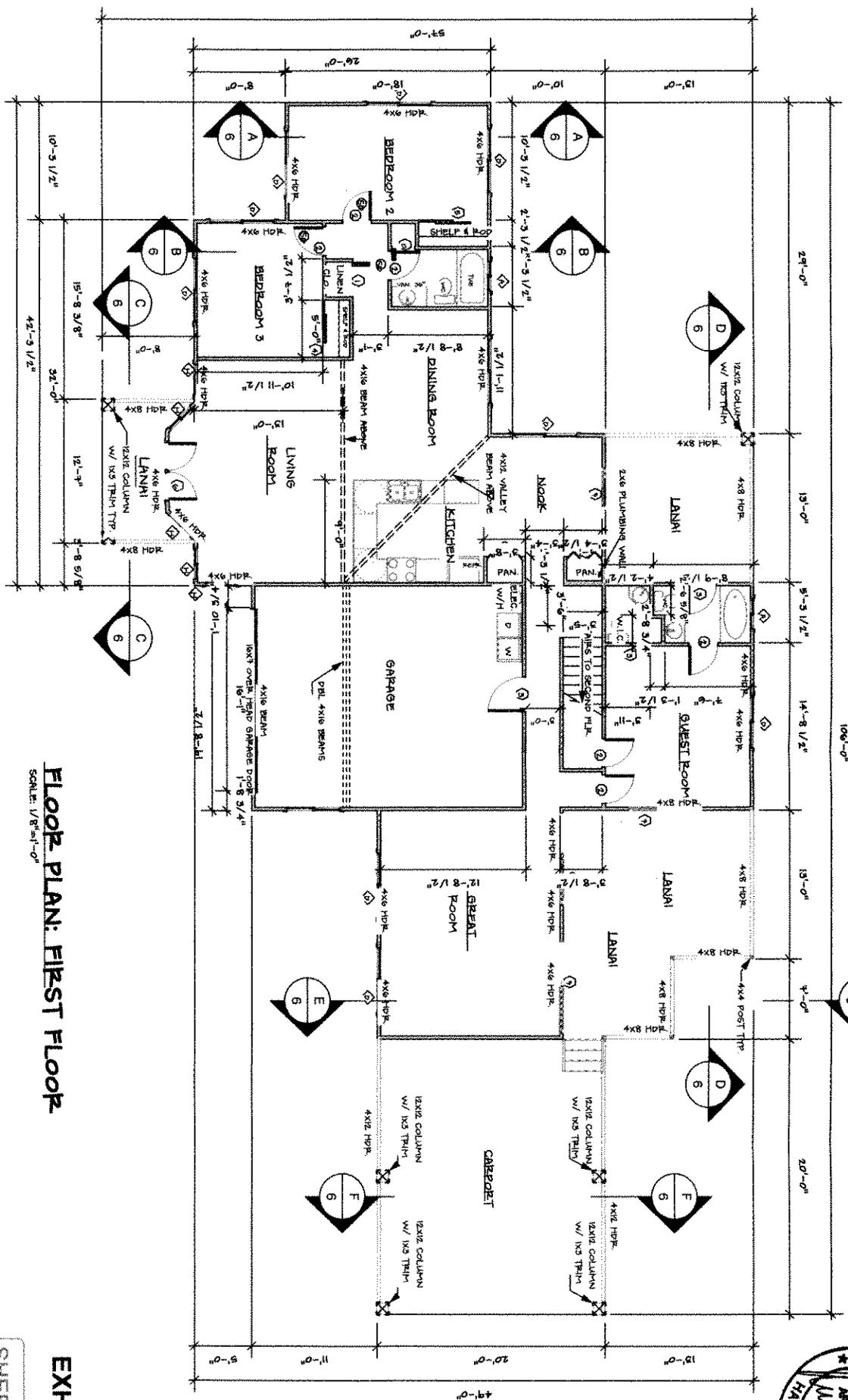
LEFT EXTERIOR ELEVATION

SCALE: N.T.S. (NOT TO SCALE)



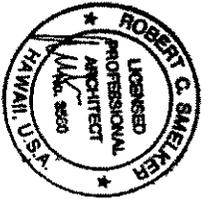
EXHIBIT 8

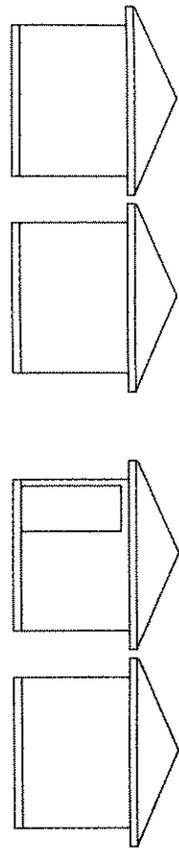
SHEET



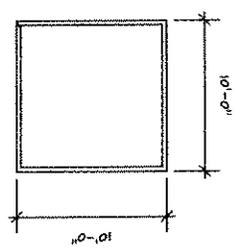
FLOOR PLAN: FIRST FLOOR
 SCALE: 1/8"=1'-0"

EXHIBIT 9
SHEET

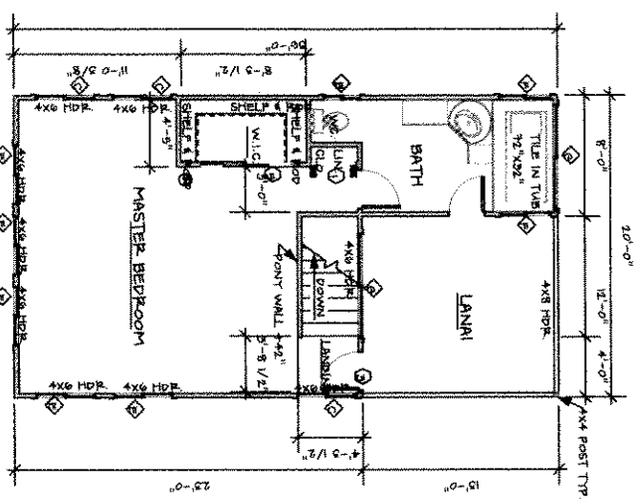
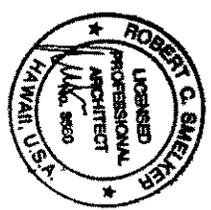




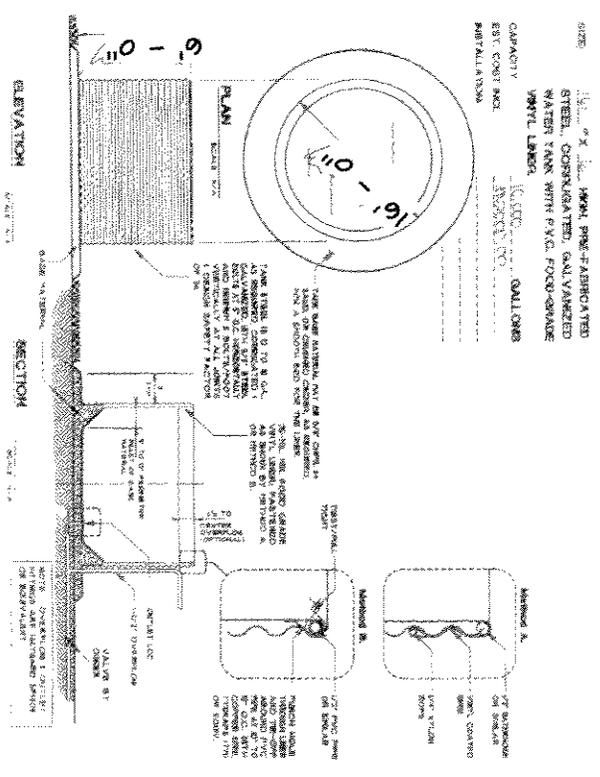
UTILITY SHED ELEVATIONS



UTILITY SHED FLOOR PLAN



FLOOR PLAN: SECOND FLOOR
SCALE: 1/8"=1'-0"



SIZE 10' x 10' 1000 PPM-FABRICATED STEEL, CORROSION-RESISTANT GALVANIZED WATER TANK WITH P.V.C. FOOD-GRADE WENT LINED. CAPACITY EST. 5000 GALLONS. PARTIAL AREA.

1. THIS SHED SHALL BE CONSTRUCTED OF GALVANIZED STEEL, CORROSION-RESISTANT GALVANIZED WATER TANK WITH P.V.C. FOOD-GRADE WENT LINED. CAPACITY EST. 5000 GALLONS. PARTIAL AREA.

2. THE ROOF SHALL BE 12' x 12' x 12' GALVANIZED STEEL, CORROSION-RESISTANT GALVANIZED WATER TANK WITH P.V.C. FOOD-GRADE WENT LINED. CAPACITY EST. 5000 GALLONS. PARTIAL AREA.

3. THE FLOOR SHALL BE 4" x 6" x 12' GALVANIZED STEEL, CORROSION-RESISTANT GALVANIZED WATER TANK WITH P.V.C. FOOD-GRADE WENT LINED. CAPACITY EST. 5000 GALLONS. PARTIAL AREA.

EXHIBIT 10
SHEET

**PECK SINGLE FAMILY DWELLING AND
ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT
ENVIRONMENTAL ASSESSMENT**

APPENDIX 2

RESPONSES AND REPLIES

LINDA LINGLE
GOVERNOR OF HAWAII



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

RECEIVED
LAND DIVISION
ROBERT K. MASUDA
DEPUTY DIRECTOR
BEAN A. NAKANO
ACTING DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2006 FEB 20 06 FEB 20 4 42
RECEIVED
LAND DIVISION
HILO, HAWAII
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:OCCL:MC

FILE NO.: HA-3291

2-17-06

180 Day Expiration Date: August 2, 2006
Suspense Date: 21 Days from stamped date

MEMORANDUM:

FEB 14 2006

From
TO:
TO:

DLNR - DOFAW, Land Division

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application HA-3291
BOARD PERMIT
Single Family Residence

APPLICANT: Lawrence P. Peck

TMKs: (3) 2-6-011:031

LOCATION: Kaiwiki Homesteads, South Hilo, Hawaii

PUBLIC HEARING: YES NO X

Please contact Michael Cain at 587-0048, should you have any questions on this matter.

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

- Comments Attached
- No Comments

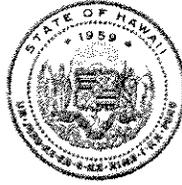
Attachments: Conservation District Use Application

Signature

RECEIVED
LAND DIVISION
2006 FEB 14 P 3:46
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

RECEIVED
OFFICE OF CONSERVATION AND COASTAL LANDS
2006 FEB 21 P 4:09
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN A. 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:OCCL:MC
CDUA: HA-3288

Acceptance Date: February 3, 2006
180 Day Expiration Date: August 2, 2006

APR 18 2006

Lawrence P. Peck
16-643 Kipimana St.
Unit 14
Kea'au HI 96749

Dear Mr. Peck:

SUBJECT: Conservation District Use Application HA-3291
Single family residence
Kaiwiki Homesteads, South Hilo, Hawai'i
TMK (3) 2-6-011:031

This letter is regarding the processing of CDUA HA-3291. The public and agency comment period on your client's application has closed (April 14, 2006). Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding the CDUA.

Please send copies of your responses to the questions raised in these letters directly to the authoring agency as well as to the OCCL. Please submit six paper copies of the Final EA to us by May 8, 2006 so it can be submitted for the May 23, 2006 edition of the *Environmental Notice*. Also include an Office of Environmental Quality Control (OEQC) Publication Form [available online at <http://www.state.hi.us/health/oeqc/submissions/index.html>] for the Final EA, and if the project summary has changed, a new summary on diskette. We also request that you include the entire CDUA with the Final EA on a compact disk for your submittal. Your CDUA will be placed on the agenda of the Board of Land and Natural Resources (BLNR) for their consideration. Early submittal of your response to comments will expedite the review process.

Should you have any questions, please contact Michael Cain at OCCL at 587-0048.

Aloha,

A large, stylized handwritten signature in black ink, appearing to read "Samuel J. Lemmo".

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

March 14, 2006

Mr. Samuel J. Lemmo, Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu HI 96809

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
2006 MAR 20 A 10: 21
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Dear Mr. Lemmo:

Subject: CDUA HA-3291
Request: Single Family Residence
Tax Map Key: 2-6-11:31

In response to the above-referenced application to construct a single family dwelling on the subject parcel, we note the following:

1. Although Cultural and Historic Resources were discussed, traditional and customary native Hawaiian rights were not addressed.
2. Fauna was not discussed.

If you have questions, please feel free to contact Esther Imamura or Larry Brown of our office at 961-8288, extension 257 or 258, respectively.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

ETI:cd
PAWPWIN60NETICDUAVLemmo2-6-11-31 Peck.rtf

County of Hawaii Planning Department
101 Pauahi St.
Suite 3
Hilo, HI 96720

Re: Peck Family CDUA and DEA, TMK: (3) 2-6-011-031 Lot 50

Dear Christopher J. Yuen;

Thank you for reviewing the above mentioned application and DEA. Please find the following additions to the EA:

3.2.2 Flora and Fauna

Fauna

Field survey and past records indicate that introduced species of bird are likely to be found in the area. Common mynah, sparrows, cardinals and finch may be sighted over a span of time. Waiwi trees can be nesting areas for some of these species. Native birds such as Hawaiian Owl and Hawaiian Hawk may occasionally fly over this area.

Ground animals that may be found are introduced species. These include mongoose, rat, dog, and feral pigs. Cattle once grazed on this parcel as well as adjoining parcels. The most prolific of these ground animals is the feral pig. Coque frogs have been found in lower parcels of Kaiwiki Homesteads and will most likely migrate to upper Kaiwiki if not adequately controlled.

3.3.4.1 Hawaiian Rights

Traditional and Customary Rights

Customary and traditional native Hawaiian rights will not be encroached or violated due to the proposed project. The previous use of the land and the known historic use of the area does not indicate that this area was used by native Hawaiians for cultural or religious purposes.

Though this area is not known to have been used by native Hawaiians for cultural or religious purpose the proposed use will not interfere with any native Hawaiian rights should some new information to the contrary be found. The proposed use of this parcel will not inhibit or prevent any historic or cultural native Hawaiian use. The proposed use of this parcel will not inhibit or prevent access to the shoreline, water rights, religious, cultural use and/or gathering rights.

Impacts and Mitigation Measures

Any and all findings shall be addressed in accordance with Section E-46-6, Hawaii Revised Statutes and Chapter 13-300, Hawaii Revised Administrative Rules.

I hope this letter will provide the adequate answers to your concerns.

Sincerely
Lawrence P Peck

We received the following email from a concerned citizen, who asked that her comments also be forwarded to the Division of Aquatics.

From: claud@hilo.net
To: Stephen.M.Cain@hawaii.gov
Cc: oeqc@doh.hawaii.gov ; sam.j.lemmo@hawaii.gov ; dlnr.occl@hawaii.gov
Sent: Friday, March 24, 2006 11:52 AM
Subject: Fw: Peck-Kaiwiki Single-Family Residence, Hilo (HRS 343 DEA)

Aloha Stephen- Please forward my comments to Bob Nishimoto, DLNR biologist here in Hilo. Aquatics department. I lost his email address. I already forwarded my comments to Fred Tallon at the LUC. Mahalo, Claudia Rohr 934-8040

Other questions for applicant:

Dear Mr. Peck,

- 5) Is this a business venture or personal residence? How long would you expect to live here, if for personal residence?
- 6) Are you building on conservation district land because you can no longer find or it is difficult to find affordable property in other land use districts?
- 7) Why is this property classified conservation? To protect what resource? What does Fred Tallon at the LUC have to tell you on the subject of how the conservation district mapping was done in your area? (808-587-3822, luc@dbedt.hawaii.gov)
- 8) Are there any streams on the property or within 1300 feet of the property? What is the name? Is there fauna in the stream? What does Bob Nishimoto (974-6201), DLNR's biologist who inventories the local streams tell you about this particular stream system? Has he inventoried this stream? Have you heard of the native gobi or opu'u in your area? Can you tell me why we need to protect native insect habitat and the role they play in the natural stream systems in Hawaii?
- 9) How far off the roadway will you be building the house? How long will the driveway be? Will you have to cross any streams, drainage ways, or drainage easements? Will you be installing any culverts? Where?
- 10) How much of the native forest will be removed or disturbed (including hapu, native ferns and ground covers)?
- 11) Have you tried to understand the research on the causes of global warming? Would you ever consider encumbering the remainder of the property with a "forest reserve" easement if it provided tax incentives and qualified as part of the Nature's Conservancy's Big Island carbon sequestration project (retaining forest land as a carbon bank)? If you were allowed to replant the native forest that has been destroyed by grazing? If you were allowed to develop a productive sustainable forestry project and harvest timber?
- 12) How close is the county's water supply source? Is it a well or from surface water? Are there plans for any more county wells in the area? What do the engineers at HC Water supply tell you?
- 13) Have you ever applied and received a NPDES NOI permit before? Is it required by the clean water department in this case? What does Alex Wong at the DOH Clean Water Department say? (586-4309, fax 586-4352)
- 14) What impacts must be mitigated to protect water quality and what measures will be taken to do so?

Sincerely,

Claudia Rohr
369 Nene St.
Hilo, HI 96720
934-8040

Claudia Rohr
369 Nene St.
Hilo, HI 96720

Re: Peck Family CDUA and DEA, TMK: (3) 2-6-011-031 Lot 50

Dear Claudia Rohr;

Thank you for reviewing the above mentioned application and DEA. Please find following response to your questions:

- 5) This is a personal residence. It is hoped to be our last home, one we hope to pass on to our children
- 6) I am building on this parcel because it is the only one we own in the area we desire.
- 7) The conservation classification was determined by drawing a line on a map as far as I have been able to determine.
- 8) Miale Stream borders the property on the south side. It is my understanding that no endangered species are found in the stream and the proposed project will not be near or have any affect on the stream.
- 9) The set back of the dwelling is proposed to be 50 feet with a 100 foot driveway. No streams or drainage easements will be crossed.
- 10) None. There is none to remove alien species have over grown the area.
- 11) No. Forest reserve easement could be a consideration. Replanting native forest as a sustainable forest would be desirable.
- 12) We are several miles from County water.
- 13) A NPDES NOI permit is not required not has one been applied for. The responses I have received from the Department of Water regarding my CDUA is "no comment".
- 14) Water quality will not be impacted by the proposed project.

I hope this letter will provide the adequate answers to your concerns.

Sincerely

Lawrence P Peck



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

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
2006 MAR 29 A 8:01
HRD06/2006
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

March 21, 2006

Samuel Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809

RE: Conservation District Use Application for the Proposed Kaiwiki Homesteads, South Hilo, Hawai'i, (3) 2-6-011: 031.

Dear Mr. Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of your February 14, 2006 request for comment on the above listed proposed project.

Our staff has no comment specific to the Conservation District Use Application for the Proposed Kaiwiki Homesteads at this time. Thank you for your correspondence.

OHA asks that, in accordance with Section 6E-46.6, Hawaii Revised Statutes and Chapter 13-300, Hawaii Administrative Rules, if any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division (SHPD/DLNR) shall be contacted.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck, Native Rights Policy Advocate, at (808) 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

CC: Lukela Ruddle
OHA Community Affairs Coordinator (Hilo)
162 A Baker Avenue
Hilo, HI 96720-4869

State of Hawaii Office of Hawaiian Affairs
711 Kapiolani Blvd.
Suite 500
Honolulu, HI 96813

Re: Peck Family CDUA and DEA, TMK: (3) 2-6-011-031 Lot 50

Dear Clyde W Namuo;

Thank you for reviewing the above mentioned application and DEA.

As to any concerns regarding significant cultural deposits and or human skeletal remains I fully intend to comply with Section 6E-46.6 HRS and Chapter 13-300 of the HAR. Any findings of any significance will be reported and any work in the area will be stopped until such time that a determination can be made regarding the findings.

I hope this letter will provide the adequate answers to your concerns.

Sincerely

A handwritten signature in black ink, appearing to read 'Lawrence P Peck', written in a cursive style.

Lawrence P Peck