FINAL ENVIRONMENTAL ASSESSMENT

MOTOR SUPPLY, LTD. PURCHASE OF EASEMENT ON STATE LAND AT MAILE STREET

TMK: (3rd) 2-2-029:001
South Hilo District, Hawai‘i Island, State of Hawai‘i

July 2008

Prepared for:
State of Hawai‘i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

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APPLICANT:

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APPROVING AGENCY:

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CLASS OF ACTION:

Use of State Land

This document is prepared pursuant to:

The Hawai‘i Environmental Policy Act,
Chapter 343, Hawai‘i Revised Statutes (HRS), and
Title 11, Chapter 200, Hawai‘i Department of Health Administrative Rules (HAR).

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SUMMARY OF THE PROPOSED ACTION, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Motor Supply, Ltd., owner of a 16,529-square foot, commercially-zoned property on Kilauea Avenue near its intersection with Mohouli Street in Hilo, needs to purchase an easement from the State of Hawai‘i to provide a new legal access to its property. Over the past decades, County improvements to drainage structures and traffic signal controls have restricted the parcel's existing legal access on Kilauea Avenue. The use, sale or development of the property thus requires an alternate location for a driveway.

The applicant is requesting the State of Hawai‘i, Board of Land and Natural Resources to grant an easement measuring approximately 40 feet wide by 220 feet long for the purposes of road access and utilities. The non-exclusive easement on TMK (3rd) 2-2-029:001 would not involve any undeveloped land but would instead encumber an existing paved roadway called Maile Street, which serves multiple neighboring properties but over which no legal access easements currently exist.

No impacts to any natural or cultural resources would occur. Mitigation would include the construction and maintenance by Motor Supply, Ltd. of barriers to prevent parking on State Parks property by future employees and customers of any businesses that might be built on this applicant's property. The applicant will be working with the State to determine the value of the easement and any conditions that might be associated with its use.

PART 1: PROJECT DESCRIPTION, PURPOSE AND NEED AND ENVIRONMENTAL ASSESSMENT PROCESS

1.1 Project Description, Location and Property Ownership

Motor Supply, Ltd. (the applicant) owns a 16,529-square foot, commercially zoned property (TMK 2-2-053:006) at the corner of Kilauea Avenue and Maile Street in Hilo (Figures 1-3). The property has been owned by this family-operated company since 1965 and has been vacant for most of that time. The prior owner used the property for residential purposes, and the single-family home took its access off of Maile Street, where the current legal easement is being sought. Throughout much of the 20th century, this general area was the site of the Waiākea Sugar mill and its support services, housing, and roads. After the mill shut down in 1948, Maile Street remained in informal use by other fee owners in the area, and lands that belonged to the Territory of Hawai‘i were set aside as park lands surrounding the Wailoa estuary.

The applicant needs to purchase an easement from the State of Hawai‘i to provide a new legal access to this property. Technically, the property's existing legal access is from Kilauea Avenue, but County drainage and traffic signal control improvements built over the last twenty years, including some for which the County requested and was granted use of the applicant's property, have narrowed the useable driveway frontage on Kilauea Avenue to much less than the minimum 24 feet required by code (Figure 3a). This prevents the Kilauea Avenue frontage from being used for a driveway, and the lack of a practical legal access has made use, sale or development of the property difficult. If the applicant is granted an easement, it will more easily be able to sell the property and/or develop it with a commercial building conformant with zoning. Like the applicant's property, the State parcel over which the easement is being sought is in the Urban State Land Use District and carries County zoning of CG-7.5 (Commercial, General; minimum lot size of 7,500 square feet). Aside from the lands under Maile Street, the rest of the State's TMK 2-2-029-001 is in passive open space use and is mowed by State Parks. Public use of the property is mainly shoreline fishing in the estuary.

The applicant is requesting the State of Hawai‘i, Board of Land and Natural Resources, to grant an easement measuring approximately 40 feet wide by 220 feet long for the purposes of road access and utilities. The non-exclusive easement would encumber an existing, paved roadway called Maile Street. Although no legal access easements exist, this street already serves multiple neighboring properties, including several apartment buildings. It also overlies a County water main for which an easement has not yet been obtained <u>and a County sewer main for which a non-exclusive easement was granted from the State to the County dated January 7, 2005, and recorded in the Bureau of Conveyances as Document No. 2005-005905</u>. The road is improved with paving, a dividing line, fire hydrants and a stop sign. Based on preliminary conversations with local State Parks staff, the applicant agrees to erect barriers between Maile Street and surrounding State Parks property (see Figure 2) to prevent parking on State Parks property by future employees and customers of any businesses that might be built on the applicant's property. The applicant will be working with the State to determine the value of the easement and any conditions that might be associated with its use.

Figure 1
Project Location Map

Figure 2
TMK Map

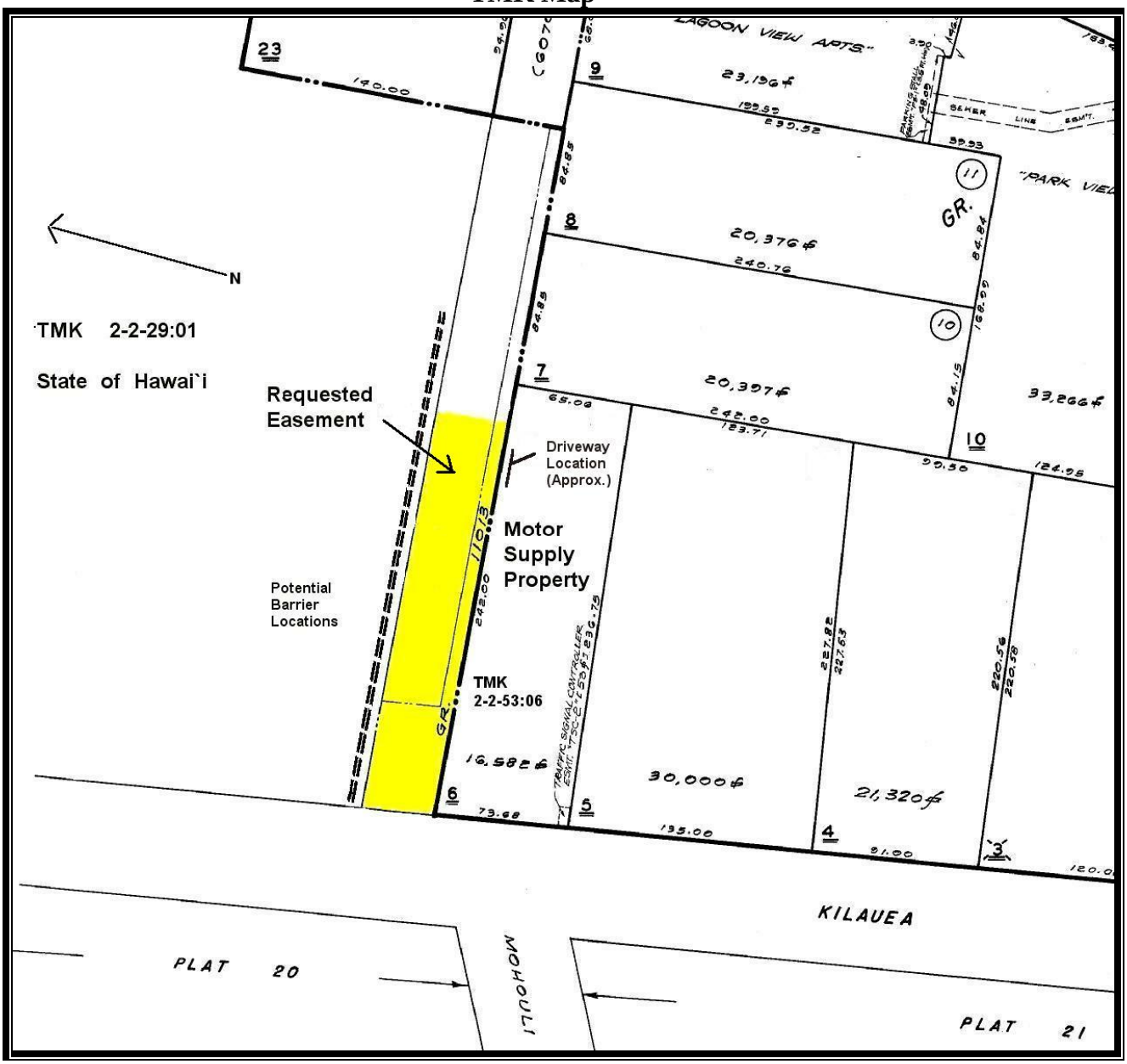

Figure 3
Project Site Photographs

Kilauea Avenue Frontage ▲ ▼ Maile Street

1.2 Environmental Assessment Process

This Environmental Assessment (EA) is being 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. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 4 of this document states the anticipated finding that no significant impacts are expected to occur; Part 5 lists each criterion and presents the preliminary findings for each made by the Hawai‘i State Department of Land and Natural Resources, the approving agency. If, after considering comments to the Draft EA, the approving agency concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the agency concludes that significant impacts are expected to occur as a result of the Proposed Action, then an Environmental Impact Statement (EIS) will be prepared.

1.3 Public Involvement and Agency Coordination

The following agencies and organizations were consulted in development of the environmental assessment:

<u>State:</u>
- Department of Land and Natural Resources
  - State Parks Division, State Historic Preservation Division, Land Division
- Department of Health
- Office of Hawaiian Affairs

<u>County</u>:
- Planning Department
- Public Works Department
- Police Department
- County Council
- Department of Water Supply

<u>Private:</u>
- Hawai‘i Island Chamber of Commerce

Copies of communications received during early consultation are contained in Appendix 1a. <u>Appendix 1b contains written comments on the Draft EA and the responses to these comments. Various places in the EA have been modified to reflect input received in the comment letters; additional or modified non-procedural text is denoted by double underlines, as in this paragraph.</u>

PART 2: ALTERNATIVES

2.1 Action Alternatives

The principal alternative under consideration is the purchase of an easement on Maile Street, as described above, which will be called the *Proposed Action* in this document.

Two alternative actions are possible, but not preferable, as each is less beneficial to both the public and landowner. The only other potential vehicular access is from Kilauea Avenue, which has insufficient unencumbered frontage (see Figure 2 and Figure 3b) for the 24-foot wide legal vehicular access for a commercial building. The County has utilized this frontage for traffic control and drainage structures and has also indicated that access from Kilauea Avenue would be hazardous for traffic at the busy Kilauea Avenue/Mohouli Street intersection. Utilizing this access would require variance from access requirements or removal of County infrastructure. This approach will be called the *Kilauea Access Alternative* in this EA. The other potential solution is the *State Purchase Alternative*, in which the applicant's property is purchased by the State at market value and presumably incorporated into Wailoa State Park. The State Parks Division does not at this time foresee any compelling purpose for such a purchase. For purposes of discussion, all three alternatives are considered in this EA, although the applicant proposes only the purchase of the easement.

It is the applicant's understanding that the County of Hawai‘i has explicitly examined and rejected the idea of purchasing the Motor Supply, Ltd., property to realign Maile Street, and therefore a "County-purchase" option is not considered.

2.2 No Action

Under the No Action Alternative, the easement over State land would not be granted and the applicant would be denied access to its commercial property through Maile Street, the most logical access point. This would restrict the rights of the applicant to utilize its property in any way, and the applicant considers the No Action Alternative undesirable and inequitable.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Basic Geographic Setting

The location for the Proposed Action is referred to throughout this EA as the *project site*. The term *project area* is used to describe the general environs of this part of Hilo.

The project site is an approximately 8,800-square foot part of a 4.382-acre parcel owned by the State of Hawai‘i adjacent to Waiākea Fishpond. It is part of the Wailoa River State Recreation Area but is in use as a street (see Figure 3). Nearby land uses include Café 100, a commercial building currently housing a judiciary office, and several apartments. Across Kilauea Avenue is Chiefess Kapiolani Elementary School and another commercial building.

The earliest reference to the parent property in which the easement is being sought is in County tax records from 1941, when the Territory of Hawai‘i granted an easement on the property to the Hilo Electric Light Company in the area of Maile Street. In 1955, Executive Order 1656 was issued, setting aside the land for the Wailoa River Park & Hawaiian Village under the control of the Board of Agriculture and Forestry (that executive order was cancelled in 1969 by Executive Order 2354). In 1963, and again in 1964 and 1966, the boundaries of TMK (3rd) 2-2-029:001 were redrawn, which placed a total of 1.39 acres into new parcels that became the sites of commercial leases. In 1980, Executive Order 2921 set aside the remaining 4.486-acre parcel for a portion of Wailoa River State Park under the control of the State Department of Land and Natural Resources. In 1988 the parcel’s boundaries were again redrawn, placing 0.104 acres into a new parcel, leaving the State parcel at its current size of 4.382 acres. The property is Ceded Land.

3.1 Physical Environment

3.1.1 Climate, Geology, Soils and Geologic Hazards

Environmental Setting

The climate in the area is mild and moist, with an average annual rainfall of about 135 inches (UH Hilo-Geography 1998:57). Geologically, the project site is located on the flanks of Mauna Loa Volcano, and the surface consists of lava flows from 5,000 to 10,000 years before the present (Wolfe and Morris 1996). The project site soil is classified by the U.S. Natural Resource Conservation Service (formerly Soil Conservation Service) as Keaukaha extremely rocky muck on slopes of 6-20 percent. This organic and strongly acid soil is typically found up to 8 inches thick with roughly 30 percent rock outcroppings. Permeability is rapid, runoff is slow, and erosion hazard slight. Its capability subclass is VIIs, which means that this soil has very severe limitations that make it very unsuited for cultivation, and restricts its use to mainly pasture and woodland or wildlife (U.S. Soil Conservation Service 1973).

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the United States Geological Survey in this area of Hilo is zone 3, on a scale of ascending risk from 9 to 1 (Heliker 1990:23). The high hazard risk is based on the fact that Mauna Loa is presently an active volcano. Volcanic hazard zone 3 areas have had 1-5% of their land area covered by lava or ash flows since the year 1800, but are at lower risk than zone 2 areas because of their greater distances from recently active vents and/or because the local topography makes it less likely that flows will cover these areas.

In terms of seismic risk, the entire Island of Hawai‘i is rated Zone 4 Seismic Probability Rating (*Uniform Building Code, 1997 Edition*, Figure 16-2). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built. The project site does not appear to be subject to subsidence, landslides or other forms of mass wasting.

Impacts and Mitigation Measures

In general, geologic conditions impose no constraints on the Proposed Action, which would provide an access and facilitate development of the property in conformance with zoning, and the Proposed Action is not imprudent to construct. Appropriate seismic standards would be followed during any building construction, per building codes. There is a similar lack of impacts associated with the Kilauea Access and State Purchase Alternatives.

3.1.2 Drainage, Water Features and Water Quality

Existing Environment

The Flood Insurance Rate Maps (FIRM) 1551660880C (9/16/1988) show that the project site is in Flood Zone X, outside of the 500-year floodplain. No known areas of local (non-stream related) flooding are present on the project site. Maps printed by the Pacific Tsunami Warning Center and the Hawai‘i County Civil Defense Agency locate the parcel in the area that should be evacuated during a tsunami warning (http://www5.hawaii.gov/tsunami/maps.asp). Large extents of Hilo, including the project site, have been struck by several highly destructive tsunami in historic times. The May 23, 1960 tsunami had a runup of 35 feet at Hilo Bay, killing 61 people and destroying about 540 homes and businesses while the April 1, 1946 tsunami had a runup at Hilo Bay of 25 feet (*Atlas of Hawai‘i*, 3rd edition).

Impacts and Mitigation Measures

Because no new construction is involved in this granting of an easement, additional risks for flooding or impacts to water quality associated with the Proposed Action are negligible. The development that would be facilitated by the easement would be required to follow County

regulations and policies related to drainage, which require the difference between pre-development and post-development runoff to be contained onsite, limiting impacts.

The Proposed Action represents continued commitment to occupation and use of an area periodically exposed to at least some damage from tsunami. Although the return interval of high-damage tsunami cannot be calculated with the sparse data currently available, it is reasonable to expect one every twenty to thirty years. All facilities built in this area may be subject to ultimate damage and even destruction, but until such time as this occurs, they may provide significant benefit as well. In the case of this area, which is distant enough from the ocean to have received no damage, or minimal damage, during either the 1946 and 1960 tsunami, the County of Hawai‘i has determined that the benefits of continuing to allow urban uses outweigh the risks of damage to property. A key element in this calculus is the service provided by the Pacific Tsunami Warning Center (PTWC). Established in 1949, this agency's goal is to minimize the hazards of tsunami, especially to human life and welfare. The PTWC continuously monitors the seismic activity and ocean surface level of the Pacific Basin and provides warnings for distantly generated tsunami to Hawai‘i and other regions.

No impacts to drainage or flooding would occur with the State Purchase Alternative. The Kilauea Access Alternative would require relocation of a drainage structure (see Figure 3a), which could be logistically difficult and expensive.

3.1.3 Flora, Fauna and Ecosystems

Existing Environment

The natural vegetation of this part of Hilo was most likely lowland rain forest dominated by ‘ohi‘a (*Metrosideros polymorpha*) and koa (*Acacia koa)* (Gagne and Cuddihy 1990). These original communities, however, have been destroyed or heavily degraded by farming and urban land use. No trace of the original vegetation remains in the project area. The area of the proposed easement is a street, with roadside vegetation and lawns adjacent. The current vegetation for the property to be served by the easement is a combination of alien grasses, vines and non-native shrubs which the owner cuts back periodically to prevent incursions onto neighboring property, the harboring of common vermin and the accumulation of illegally dumped household and automobile waste (see Figure 3 for photographs after a recent clearing). The urban project site is not habitat for native fauna.

Impacts and Mitigation Measures

Because of the lack of native ecosystems, or threatened or endangered species on either the project site or the applicant's adjacent property, the Proposed Action would have no adverse impacts to biological resources. Similarly, there would be no impacts associated with the Kilauea Access and State Purchase Alternatives.

3.1.4 Air Quality, Noise and Scenic Resources

Environmental Setting

Air pollution in East Hawai‘i is minimal, and is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that occasionally blankets the district. Persistent trade winds keep the project area relatively free of vog for most of the year.

Noise on the project site is moderate and derived mainly from motor vehicles, with some contribution from commercial, park maintenance and school activities.

The project area contains the Hoakimau, Mahohuli and Waiākea fish ponds, which are considered significant for their scenic character in the Hawai‘i County General Plan.

Impacts and Mitigation Measures

The Proposed Action would not measurably affect air quality, noise levels or scenic sites recognized in the Hawai‘i County General Plan. Except when the owner occasionally clears the property, there are no views towards the Waiākea Ponds, and facilitating development of the property would not lead to any scenic impacts. Landscaping in conformance with County requirements would accompany any development. The Kilauea Access Alternative would have similar impacts. The State Purchase Alternative would provide additional open space, but the small size, the setting on busy Kilauea Avenue, and the presence of developed uses adjacent to the applicant’s lot would minimize any potential open space benefits.

3.1.5 Hazardous Substances, Toxic Waste and Hazardous Conditions

Environmental Setting, Impacts and Mitigation Measures

No professional evaluation such as a Phase I Environmental Site Assessment was conducted for the proposed easement area, but the history of use of the site and its surroundings does not suggest the presence of hazardous materials. Visual surveys of the project site and its surroundings, which is a street and roadside verges, did not indicate the presence of structures, equipment or storage containers that might be indicative of hazardous material use. Therefore, based upon prior and present use of the project site, no hazardous substances, toxic wastes or hazardous conditions are expected to be present on the project site. Neither the Proposed Action nor any alternative would involve any impacts related to production of, or exposure to, such substances or conditions.

3.2 Socioeconomic and Cultural

3.2.1 Socioeconomic Characteristics

The project would affect and benefit the district of South Hilo and more specifically Hilo town. Table 1 provides information on the socioeconomic characteristics of Hilo along with those of Hawai‘i County as a whole for comparison, from the United States 2000 Census of Population.

Table 1: Selected Socioeconomic Characteristics

CHARACTERISTIC	ISLAND OF HAWAI`I	HILO
Total Population	148,677	40,759
Percent Caucasian	31.5	17.1
Percent Asian	26.7	38.3
Percent Hawaiian	9.7	13.1
Percent Two or More Races	28.4	29.7
Median Age (Years)	38.6	38.6
Percent Under 18 Years	26.1	24.7
Percent Over 65 Years	13.5	16.7
Percent Households with Children	21.3	36.1
Average Household Size	2.75	2.7
Median Family Income	$39,805	$35,506
Percentage of Population Below 100% of Federal Poverty Level	15.7	11.7
Percent Housing Vacant	15.5	9.0

Source: U.S. Bureau of the Census. May 2001. *Profiles of General Demographic Characteristics, 2000 Census of Population and Housing, Hawai‘i.* (U.S. Census Bureau Web Page).

Impacts

The Proposed Action would facilitate development of the property in conformance with its designated commercial zoning and provide some level of public benefit through the orderly development of private commercial facilities providing jobs and tax revenues, in keeping with State and County plans. The Kilauea Access Alternative would not have distinctly different socio-economic impacts. The State Purchase Alternative would have indeterminate impacts, as it is not known whether the purchase price would be invested in activities that produce economic benefits.

3.2.2 Cultural Resources

Existing Environment

The earliest historical knowledge of Hilo comes from legends written by Samuel Kamakau (1961) of 16th century chief ʻUmi-a-Liloa (son of Liloa), who at that time ruled the entire island of Hawaiʻi. Descendants of Umi and his sister-wife were referred to as "Kona" chiefs, controlling Kaʻū, Kona, and Kohala, while descendants of Umi and his Maui wife were "Hilo" chiefs, controlling Hāmākua, Hilo, and Puna (Kelly 1981:1). According to Kamakau (1961), both sides fought over control of the island, desiring access to resources such as feathers, *māmaki* tapa, and canoes on the Hilo side, and *wauke* tapa and warm lands and waters on the Kona side (Kelly 1981:3).

Sometime near the end of the 16th century or early in the 17th century, the lands of Hilo were divided into *ahupuaʻa,* which till today retain their original names (Kelly 1981:3). These include the *ahupuaʻa* of Puʻuʻeo, Piʻihonua, Punahoa, Pōnohawai, Kūkūau and Waiākea. The design of these land divisions was such that residents could have access to all that they needed to live, with ocean resources at the coast, and agricultural and forest resources in the interior. However, only Piʻihonua and Waiākea provided access to the full range of resources stretching from the sea up to 6,000 feet along the slopes of Mauna Kea (Kelly 1981:5).

Waiākea Ahupuaʻa

The project site is in the ahupuaʻa of Waiākea, a very large land division that includes most of the land in what is now called Hilo, as well as the land mauka and makai. As part of an archaeological assessment study, Maly (1996) conducted historical research for the lands of Wainaku, Pōnohawai, Waiākea, and Piʻihonua. He discussed the significance of the use of the Hawaiian word *wai* in the place names: Waiākea, Pōnohawai, Wainaku, and Wailuku (River). According to Maly, the word *wai* (water) has strong metaphorical associations with the Hawaiian concept of wealth (*waiwai*), stressing its cultural importance (Maly 1996:A-2). In this context, the importance of Hilo can be better understood, with its copious streams that fed taro pondfields and its numerous fishponds. Waiākea along with Punahoa and Piʻihonua were held by Kamehameha I until the time of his death in 1819, at which time his holdings, including Waiākea, were passed down to his son, Liholiho. Following the *Māhele,* the population of Hilo grew and the scattered upland habitations gave way to sugar cultivation (McEldowney 1979:37).

The 8,800-square foot project site has been completely bulldozed and altered through road construction (see Figure 3b). No archaeological or cultural sites that would reflect the rich cultural heritage of Waiākea appear to be present. No caves, springs, puʻu, native forest groves, battle grounds, resource-gathering areas or other cultural features are present on or near the project site. The project site does not support any traditional resource uses, nor are there any Hawaiian customary and traditional rights or practices known to be associated with the property. In order to confirm the absence of archaeological or cultural sites or practices, the State Historic

Preservation Division, the Office of Hawaiian Affairs (Honolulu and East Hawai‘i) and the Hilo Hawaiian Civic Club will have an opportunity to review the Draft EA.

Impacts and Mitigation Measures

As it currently appears that no archaeological sites or resources or practices of a potential traditional cultural nature (i.e., landform, vegetation, etc.) appear to be present on or near the project site, and there is no evidence of any traditional gathering uses or other cultural practices, the proposed construction and maintenance would not likely impact any culturally valued resources or cultural practices. No difference among alternatives exists.

In the unlikely event that archaeological resources or human remains are encountered during future development activities within either the proposed easement or applicant's property, work in the immediate area of the discovery should be halted and DLNR-SHPD contacted as outlined in Hawai‘i Administrative Rules 13§13-275-12.

3.2.3 Recreation

Existing Environment

The project site is part of a 4.382-acre parcel owned by the State of Hawai‘i adjacent to the Waiākea Fishpond and is a part of the 131.9-acre Wailoa River State Recreation Area, a landscaped park that provides opportunities for walking, informal games, picnicking and boat fishing from the provided boat ramp. Aside from occasional fishing and picnicking, most activities in the park are concentrated in areas across the arm of Waiākea Pond in the main part of the park, which has better access and larger, developed areas for recreation. The applicant is requesting a non-exclusive easement for the purposes of road access over an existing roadway, improved with paving, a dividing line, fire hydrants and a stop sign, called Maile Street.

Impacts and Mitigation Measures

In a letter of November 20, 2007 (see Appendix 1), the Office of Hawaiian Affairs expressed concern about the length of the term for the easement, which they note occurs on Section 5(b) Ceded Lands, as a long-term easement might limit the State's future use of the property should needs change. The Division of State Parks in Honolulu also expressed concerns in a letter of October 30, 2007 (see Appendix 1), saying that it would elaborate upon them after receiving the EA. Upon review of the Draft EA, the Honolulu office of the Division of State Parks stated that it had no additional comments. As the property is already a developed street that already does and can continue to provide access to this section of the Wailoa River State Recreation Area, it is the applicant's view that this short non-exclusive easement would not hinder or degrade any conceivable future use of this 8,800 square-foot property or adjacent State lands. It bears emphasis that the area proposed for an easement is an existing street that already provides unofficial access to several homes and apartments beyond the applicant's property.

Officials with the Division of State Parks, Hawai‘i Island, expressed concern about potential parking by employees or customers of any future business that might be built on the applicant’s property. The applicant would agree as a condition of the easement to erect barriers on the north side of the easement (see Figure 2 for conceptual location) to ensure that nearby park resources are not affected by illegal parking or other impacts in connection with any development of the applicant’s commercial property.

The Kilauea Access and State Purchase Alternatives would avoid any use of State lands, eliminating the possibility of any impacts, however small, upon recreation or recreational land. The State Purchase Alternative could potentially provide additional park space, but the setting and size of this lot are not particularly suited for the passive recreation uses of the Wailoa River State Recreation Area.

3.3 Infrastructure

3.3.1 Utilities

Existing Facilities and Services, Impacts and Mitigation Measures

The proposed non-exclusive easement area already contains a street under which there is a County of Hawai‘i sewer main for which a Non-Exclusive Easement was granted from the State to the County dated January 7, 2005, and recorded in the Bureau of Conveyances as Document No. 2005-005905. A County Department of Water Supply main, the status of the easement for which is not known by the applicant, is also present. The Proposed Action would not have any effect on either facility or their easements, as necessary, nor would the other alternatives. Motor Supply has informed the County about its need for an easement and will continue to coordinate with the County, as necessary, if County approvals for the easement are required.

Electrical power to the applicant’s property is supplied by Hawai‘i Electric Light Company (HELCO), a privately owned utility company regulated by the State Public Utilities Commission. Water is provided by County of Hawai‘i’s Department of Water Supply. Telephone service is available from Hawaiian Telcom, and cable service is available from Oceanic Time Warner Cable. Wastewater treatment is via municipal sewer. No impacts to any of these services would occur under the Proposed Action or the other alternatives.

3.3.2 Roadways

Existing Facilities

Maile Street, the two-lane residential street which is the subject of the easement request, will provide access to the applicant’s commercial property via a driveway near the rear of the property (see Figure 2). Maile Street appears similar to any County-maintained street but without any legal obligation for the County to upkeep the road. As Maile Street is not County property, it is not certain if the new driveway from Maile Street will be required to receive a permit from the Hawai‘i County Department of Public Works.

Impacts and Mitigation Measures

Although Maile Street extends as an unpaved and privately owned road (TMK 2-2-053:019) to Kekuanaoa Street, that portion of the road is not suitable for most vehicles and without improvement by the private or government parties, it is not likely to serve as useful access to the applicant's or any other property on Maile Street. Therefore, traffic in and out of any development that might be built on the applicant's property would exit and enter Maile Street onto Kilauea Avenue. This would be added to traffic generated by several apartment buildings that already utilize Maile Street. Depending on the type of business proposed – its working hours, employee and customer numbers, and business nature – traffic improvements to Kilauea Avenue, such as turn lanes or storage lanes, may be necessary. The need for and nature of these improvements would best be determined during Plan Approval and/or a Special Management Area permit process (if applicable) for the particular development, when the details necessary to specify the improvements will be available.

Employees and patrons of the businesses would park in a parking lot to be built on the applicant's property. The parking lot would be sized in strict accordance with County parking requirements. As discussed above, the applicant would agree to erect barriers on the north side of the easement (see Figure 2 for conceptual location) to ensure that nearby park resources are not affected by illegal parking or other impacts in connection with any development of the applicant's commercial property.

The traffic effects of the Kilauea Access Alternative would be more severe, because it would create another driveway in close proximity to Maile Street at the Mohouli Street intersection. The State Purchase Alternative would likely involve no traffic impacts.

3.4 Secondary and Cumulative Impacts

Neither the Proposed Action nor any alternative would involve any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. At the current time, there do not appear to be any roadway, utility or development projects being undertaken in the area that would combine in such a way as to produce adverse cumulative effects or involve a commitment for larger actions. Improvements to Mohouli Street between Kinoole Street and Komohana Street are in planning; the effects of traffic at Kilauea Avenue and Mohouli Street will likely be minimal or beneficial. The adverse effects of the Proposed Action, as well as those of the other alternatives, are very limited in severity, nature and geographic scale, with the possible exception of traffic, the cumulative effects of which are discussed above.

3.5 Required Permits and Approvals

The Proposed Action requires granting of an easement by the State of Hawai‘i. Access to the applicant's property may then trigger a County of Hawai‘i Driveway Permit. No other permits or approvals are required.

3.6 Consistency With Government Plans and Policies

3.6.1 Hawai‘i State Plan

Adopted in 1978 and last revised in 1991 (Hawai‘i Revised Statutes, Chapter 226, as amended), the Plan establishes a set of themes, goals, objectives and policies that are meant to guide the State's long-run growth and development activities. The three themes that express the basic purpose of the *Hawai‘i State Plan* are individual and family self-sufficiency, social and economic mobility and community or social well-being. The Proposed Action would not in any way be detrimental to these goals.

3.6.2 Hawai‘i County General Plan and Zoning

The *General Plan* for the County of Hawai‘i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai‘i. The plan was adopted by ordinance in 1989 and revised in 2005 (Hawai‘i County Department of Planning). The *General Plan* itself 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 Hawai‘i. Most relevant to the Proposed Action are the following Goal and Policies, and Courses of Action:

RECREATION – GOALS

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.

Discussion: The Proposed Action would not detract from any uses or scenery within Wailoa River State Recreation Area or any other park, whether now or in a future scenario in which the State pursues a more active role for this part of the park, because the proposed easement would occupy an existing street.

TRANSPORTATION – GOALS

- Provide a transportation system whereby people and goods can move efficiently, safely, comfortably and economically.
- Make available a variety of modes of transportation which best meets the needs of the County.
- Provide a system of thoroughfares and streets for the safe, efficient and comfortable movement of people and goods between and within the various sections of the County.
- Provide an integrated State and County system so that new major routes would complement and encourage proposed land uses.

The Proposed Action is preferable from a traffic and transportation perspective to the Kilauea Access Alternative, which would lead to a commercial driveway on Kilauea Avenue, which is counter to County desires for this intersection. The State Purchase Alternative would remove any uses from this area and would avoid any transportation impacts.

The *Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG)*. The LUPAG map component of the *General Plan* is a graphic representation of the Plan's goals, policies, and standards as well as of the physical relationship between land uses. It also establishes the basic urban and non-urban form for areas within the planned public and cultural facilities, public utilities and safety features, and transportation corridors. The project site is classified as High Density Urban in the LUPAG. The Proposed Action is consistent with this designation.

Hawai'i County Zoning. The project site is zoned CG-7.5. All adjacent parcels are zoned CG-7.5. The Proposed Action is a permitted and intended use within this designation. While the property is situated within the County's Special Management Area (SMA), creation of an easement is not considered development and the Proposed Action therefore does not require an SMA permit or review.

3.6.3 Hawai'i State Land Use Law

All land in the State of Hawai'i is classified into one of four land use categories – Urban, Rural, Agricultural or Conservation – by the State Land Use Commission, pursuant to Chapter 205, HRS. The property is in the State Land Use Urban District. The proposed use is consistent with intended uses for this land use district.

PART 4: DETERMINATION

Based on the findings below, and in consideration of comments on the Draft EA, the Hawai'i State Department of Land and Natural Resources has determined that the proposed project will not significantly alter the environment. This agency therefore determined that an Environmental Impact Statement is not warranted and has issued a Finding of No Significant Impact (FONSI).

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawai‘i Administrative Rules, outlines those factors agencies must consider when determining whether an action has significant effects:

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resources would be committed or lost. The project site and surrounding area support commercial, residential, and recreational uses and will not be affected by the project.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* The Proposed Action expands and in no way curtails beneficial uses of the environment.
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 Proposed Action is minor and fulfills aspects of these policies calling for an improved socioeconomic environment. 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 Proposed Action will not affect the social welfare of the community and will contribute to the economy.
5. *The proposed project does not substantially affect public health in any detrimental way.* The Proposed Action will not affect public health in any way.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities*. No adverse secondary effects are expected to result from the Proposed Action.
7. *The proposed project will not involve a substantial degradation of environmental quality*. The Proposed Action is minor and environmentally benign, and would thus not contribute to environmental degradation.
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The project site is mainly asphalted and on the road verges supports only alien vegetation. Impacts to rare, threatened or endangered species of flora or fauna will not occur.
9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The Proposed Action is generally not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions. Cumulative traffic impacts will be addressed during Plan Approval if and when the applicant’s property is developed.
10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels.* No adverse effects on these resources would occur.

11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Although the project site is in an area with volcanic and seismic risk, the entire Island of Hawai‘i shares this risk, and the Proposed Action is not imprudent to undertake.
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* No scenic vistas and viewplanes identified in the Hawai‘i County General Plan will be adversely affected by the Proposed Action.
13. *The project will not require substantial energy consumption*. The Proposed Action does not involve energy use, and no adverse effects would be expected.

For the reasons above, the Proposed Action will not have any significant effect in the context of Chapter 343, Hawai‘i Revised Statues and section 11-200-12 of the State Administrative Rules.

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FINAL ENVIRONMENTAL ASSESSMENT

MOTOR SUPPLY, LTD. PURCHASE OF EASEMENT ON STATE LAND AT MAILE STREET

APPENDIX 1a

COMMENTS IN RESPONSE TO EARLY CONSULTATION

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

October 19, 2007

Mr. Ron Terry
Geometrician Associates
P. O. Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

Re: Early Consultation for Environmental Assessment for Motor Supply, Ltd. Purchase of Easement over State Land at Maile St. Hilo, Island of Hawaii TMK (3RD) 2-2-029:001

Staff, upon reviewing the provided documents and visiting the proposed site, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

Sincerely,

SAMUEL THOMAS
MAJOR
AREA I OPERATIONS

KV:lli

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 6, 2007

Geometrician Associates, LLC
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry

Gentlemen:

Subject: Early Consultation for Environmental Assessment for Access Easement over State Lands, Hilo, Hawaii, Tax Map Key: (3) 2-2-29:portion 1

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, Office of Conservation & Coastal Lands, Division of State Parks, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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October 16, 2007

MEMORANDUM

TO: **DLNR Agencies:**
_x_ Div. of Aquatic Resources
__ ~~Div. of Boating &~~ Ocean Recreation
_x_ Engineering Division
__ ~~Div. of Forestry~~ & Wildlife
_x_ Div. of State Parks
__ Commission on Water Resource Management
_x_ Office of Conservation & Coastal Lands
_x_ Land Division – Hawaii District

FROM: Russell Y. Tsuji
SUBJECT: Early Consultation for Environmental Assessment for Access Easement over State lands
LOCATION: Hilo, Hawaii, Tax Map Key: (3) 2-2-29:portion 1
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by October 30, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
(X) We have no comments.
( ) Comments are attached.

Signed: _____
Date: 10/30/07

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2007 OCT 16 P 3:22
DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

October 16, 2007

MEMORANDUM

TO: **DLNR Agencies:**
_x_ Div. of Aquatic Resources
__ Div. of Boating & Ocean Recreation
_x_ Engineering Division
__ Div. of Forestry & Wildlife
_x_ Div. of State Parks
__ Commission on Water Resource Management
_x_ Office of Conservation & Coastal Lands
_x_ ~~Land Division~~ – Hawaii District

RECEIVED LAND DIVISION 2007 OCT 17 P 4:07 DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

FROM: Russell Y. Tsuji
SUBJECT: Early Consultation for Environmental Assessment for Access Easement over State lands
LOCATION: Hilo, Hawaii, Tax Map Key: (3) 2-2-29:portion 1
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by October 30, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
(✓) We have no comments.
( ) Comments are attached.

Signed: _____
Date: 10/17/07

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA
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
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STATE PARKS

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STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 30, 2007

MEMORANDUM

To: Russell Y. Tsuji, Administrator
Land Division

From: Daniel S. Quinn

Subject: Pre-Consultation for an Environmental Assessment (EA) of an Access Easement Over State Lands; TMK: 2-2-9: 01, Hilo, Hawai'i

We have some concerns regarding the access easement as its location is within a portion of Wailoa River State Recreation Area. These concerns will be shared with Motor Supply Ltd. and their agent, Ron Terry when the draft EA is prepared. As such, we would appreciate receiving a copy of the draft EA.

Thank you for the opportunity to provide comments on the subject matter.

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 96720-4224
(808) 961-8288 • FAX (808) 961-8742

November 2, 2007

Mr. Ron Terry
Geometrician Associates, LLC
P O Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

Subject: Pre-consultation for Draft Environmental Assessment (EA)
Project: Motor Supply Ltd. Purchase Easement over State Land at Milo St.
Tax Map Key: (3) 2-2-029:001, South Hilo, Hawaii

This is in response to your letter dated October 11, 2007, in which you requested our comments on any special environmental conditions or impacts related to the proposed easement purchase.

The applicant proposes to purchase a non-exclusive easement from the State of Hawaii State Parks Division to provide legal access to its property. The 40 feet wide by 220 feet long easement would encumber the existing paved roadway known as Maile Street. This portion of Maile Street on TMK 2-2-029:001 is in the State Land Use (SLU) Urban district and is entirely within the Special Management Area (SMA).

Section 9-4 (10)(B)(x) of the Planning Commission Rules of Practice and Procedure states that "development" does not include creation or termination of easements, covenants, or other rights in structures or land. Therefore, further review of the proposed action against the SMA rules and regulations are not required.

Please provide this office and the County of Hawaii Department of Public Works with a copy of the draft EA upon its publication. Should you have questions, please contact Maija Cottle of my staff at 961-8288 extension 253.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

MJC:cd
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xc: County of Hawaii Department of Public Works

PHONE (808) 594-1888

FAX (808) 594-1865

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

HRD07/3277

November 20, 2007

Ron Terry
Geometrician Associates LLC
P.O. Box 396
Hilo, HI 96721

RE: Early consultation for environmental assessment for Motor Supply Ltd.'s proposed purchase of easement over state land at Milo Street, Hilo, Hawai'i Island, TMK: (3) 2-2-029:001.

Dear Ron Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of Motor Supply Ltd.'s request to purchase an easement over state land to provide legal access to its property. OHA appreciates the applicant including us in its preconsultation for this project, and we offer the following comments:

OHA requests information regarding the length of the term for the easement being requested by the applicant. OHA would like to point out that the subject parcel is Section 5(b) Ceded Lands, and we would have concerns if the term of the easement were too long that it would limit the state's future use of the subject parcel should needs change.

Thank you for the opportunity to comment. If you have further questions, please contact Sterling Wong (808) 594-0248 or e-mail him at sterlingw@oha.org.

Sincerely,

Clyde W. Nāmu'o
Administrator

FINAL ENVIRONMENTAL ASSESSMENT

MOTOR SUPPLY, LTD. PURCHASE OF EASEMENT ON STATE LAND AT MAILE STREET

APPENDIX 1b

COMMENTS TO DRAFT E.A. AND RESPONSES

Harry Kim
Mayor

Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii
POLICE DEPARTMENT
349 Kapiolani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

May 20, 2008

Mr. Ron Terry
Geometrician Associates
P. O. BOX 396
Hilo, Hawaii 96721

Dear Mr. Terry:

Re: Motor Supply Ltd., Purchase of Easement on State Land at Maile Street, Island of Hawaii, TMK (3rd) 2-2-29:01

Staff, upon reviewing the provided documents and visiting the proposed site, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

Sincerely,

DEREK D. PACHECO
ASSISTANT POLICE CHIEF
AREA I OPERATIONS

KV:lli

geometrician
ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

July 7, 2008

Lawrence K. Mahuna, Police Chief
Hawai'i County Police Department
349 Kapiolani Street
Hilo HI 96720

Dear Chief Mahuna:

Subject: Draft Environmental Assessment for Motor Supply Ltd. Purchase of Easement over State Land at Milo Street, Hilo, Island of Hawai'i TMK (3rd.) 2-2-029:001

Thank you for your comment letter on the Draft EA dated May 20, 2008, in which you stated that your Department did not anticipate any significant impacts to traffic and/or other public safety concerns.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

Ron Terry

Ron Terry, Principal
Geometrician Associates

Cc: Glenn Taguchi, Hawai'i DLNR Division of State Parks

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 6, 2008

Geometrician Associates
P.O. Box 396
Hilo, HI 96721

Attention: Mr. Ron Terry

Dear Mr. Terry:

SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street, South Hilo District, Island of Hawaii; TMK: (3) 2-2-029:001

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Division of Aquatic Resources, (b) Engineering Division, (c) State Parks, and (d) Hawaii District of the Land Division on the subject matter. Should you have any questions, please feel free to call Darlene Nakamura at 587-0417. Thank you.

Sincerely,

Morris M. Atta
Administrator

Enclosures
cc: Office of Environmental Quality Control (w/copies)
Attention: Director
State of Hawaii, DLNR (w/copies)
Attention: Mr. Glenn Taguchi

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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DIRECTOR	
COMM. FISH.	
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STAFF SVCS	
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Due Date:	

May 14, 2008

MEMORANDUM

TO: **DLNR Agencies:**
x Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
x Engineering Division
__Div. of Forestry & Wildlife
x Div. of State Parks
__Commission on Water Resource Management
x Office of Conservation & Coastal Lands
x Land Division – Hawaii District

FROM: for Morris M. Atta, Administrator Charlene
SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street
LOCATION: South Hilo District, Island of Hawaii, TMK: (3) 2-2-029:001
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply, Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 4, 2008.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed: [signature]
Date: 29 May 2008

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cc: Central Files

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

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HONOLULU, HAWAII 96809

May 14, 2008

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DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM

TO: **DLNR Agencies:**
x Div. of Aquatic Resources
__ Div. of Boating & Ocean Recreation
x Engineering Division
__ Div. of Forestry & Wildlife
x Div. of State Parks
__ Commission on Water Resource Management
x Office of Conservation & Coastal Lands
x Land Division – Hawaii District

FROM: for Morris M. Atta, Administrator Charlene
SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street
LOCATION: South Hilo District, Island of Hawaii, TMK: (3) 2-2-029:001
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply, Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 4, 2008.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: [signature]
Date: 6/4/08

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LM/MorrisAtta
Ref.: DEA-PurchaseEasementMaileStreet
Hawaii.385

COMMENTS

(X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.**

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone.

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments:_____

( ) Other: _____

Should you have any questions, please call Ms. Suzie Agraan of the Planning Branch at 587-0258.

Signed: _____
ERIC T. HIRANO, CHIEF ENGINEER

Date: 6/4/08

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 14, 2008

MEMORANDUM

RECEIVED
LAND DIVISION
2008 MAY 23 A 10: 00

TO: **DLNR Agencies:**
_x_ Div. of Aquatic Resources
___ Div. of Boating & Ocean Recreation
_x_ Engineering Division
___ Div. of Forestry & Wildlife
_x_ Div. of State Parks
___ Commission on Water Resource Management
_x_ Office of Conservation & Coastal Lands
_x_ Land Division – Hawaii District

FROM: for Morris M. Atta, Administrator Charlene
SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street
LOCATION: South Hilo District, Island of Hawaii, TMK: (3) 2-2-029:001
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply, Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 4, 2008.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(✓) Comments are attached.

Signed: [signature]
Date: 5/21/2008

cc: Central Files

Comments were made during the Early Consultation period & incorporated into the Draft EA.

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
LAND DIVISION
2008 MAY 16 A 11: 12

2008 JUN -2 A 10: 15

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 14, 2008

MEMORANDUM

TO: **DLNR Agencies:**
_x_ Div. of Aquatic Resources
___ Div. of Boating & Ocean Recreation
_x_ Engineering Division
___ Div. of Forestry & Wildlife
_x_ Div. of State Parks
___ Commission on Water Resource Management
_x_ Office of Conservation & Coastal Lands
_x_ Land Division – Hawaii District

FROM: for Morris M. Atta, Administrator Charlene
SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street
LOCATION: South Hilo District, Island of Hawaii, TMK: (3) 2-2-029:001
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply, Ltd.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 4, 2008.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: Kenneth Morris
Date: 5/29/08

cc: Central Files

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 974-6203
FAX: (808) 974-6222

May 30, 2008

MEMORANDUM

TO: Morris M. Atta, Administrator

FROM: Kevin E. Moore, Hawaii District Land Agent

SUBJECT: Draft of Environmental Assessment – Motor Supply, Ltd. – Purchase of Easement on State Land at Maile Street

LOCATION: South Hilo District, Island of Hawaii, TMK: (3) 2-2-029-001
APPLICANT: Geometrician Associates, LLC on behalf of Motor Supply, Ltd.

Pursuant to your request for comments on the above matter, we offer the following:

1. The status of Maile Road as an actual roadway is ambiguous. The road is situated on State land, yet paved, striped (at least partially), and posted with a stop sign by the County. There appears to be no formal transfer of the road to the County. Maile Road intersects Kilauea Avenue very near the three-way lighted intersection of Kilauea Avenue and Mohouli Street. If an accident were to occur in the area as a result of the use of Maile Road, claims might arise against the State as the owner of the land on which the road is located.

2. The Draft EA states in part on page 1, Section 1.1, that "Although no legal easements exist, this street already serves multiple neighboring properties, including several apartment buildings, and also overlies a County water main and a County sewer main for which easements have not yet been obtained." However, a submittal to BLNR dated July 10, 1992 and a subsequent Grant of Non-Exclusive Easement dated January 7, 2005 from the State to the County indicate that a sewer easement was granted to the County in the roadway. The Grant of Easement is recorded in the Bureau of Conveyances as Document No. 2005-005905. Accordingly, the County's consent to the grant of access easement may be required.

Please contact me should you have any questions.

geometrician
ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

July 7, 2008

Morris Atta, Administrator
Land Division
Hawai'i State DLNR
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Atta:

Subject: Draft Environmental Assessment for Motor Supply Ltd. Purchase of Easement over State Land at Milo Street, Hilo, Island of Hawai'i TMK (3rd.) 2-2-029:001

Thank you for your comment letter on the Draft EA dated June 6, 2008, in which you stated that you transmitted copies of comments from various Divisions of DLNR. We acknowledge the no-objection comment from Division of Aquatic Resources, the confirmation of Flood Zone X from the Engineering Division, and the statement that State Parks has no further comments other than those they made in response to early consultation.

In response to the comment from the Land Division, Hawai'i District Land Agent, we have the following point-by-point responses.

1. *Maile Street status.* We acknowledge the ambiguous status of Maile Street and appreciate the situation of the State as landowner. We are hopeful that the State can provide an easement that will allow the owner of the property access; road improvements that could reasonably address the safety of this street could then be evaluated and imposed as part of Planning Department Plan Approval conditions.

2. *County easement.* The Final EA has been amended to include reference to this easement. We assume that because the easement is non-exclusive the County will have no objections to the request from Motor Supply but are willing to work with the County to obtain consent for it, as necessary.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

Ron Terry

Ron Terry, Principal
Geometrician Associates

Cc: Glenn Taguchi, Hawai'i DLNR Division of State Parks

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

May 19, 2008

Mr. Ron Terry
Geometrician Assoc., LLC
P.O. Box 396
Hilo, HI 96721

LOG NO: 2008.1728
DOC NO: 0805TS19
Archaeology

Dear Mr. Terry:

SUBJECT: Chapter 6E-8 Historic Preservation Review –
Motor Supply Ltd., Purchase of Easement on State Land at Maile Street
Waiakea Ahupua`a, Hilo District, Island of Hawai'i
TMK: (3) 2-2-029:001

Thank you for the opportunity to review the aforementioned Draft Environmental Assessment, which we received on May 14, 2008. The applicant seeks purchase an easement (8,800 sq. ft.) from the State of Hawai`i in order to gain new legal access to their existing commercially zoned parcel.

We concur that **no historic properties will be affected** by this undertaking because previous grubbing/grading and residential development/urbanization has altered the land.

In the event that historic or prehistoric resources including rock walls, stacked rock terraces, platforms, mounds, marine shell concentrations or any standing architecture older than fifty years, human skeletal remains, lava tubes or, lava blisters/bubbles are identified during the construction activities, all work should cease in the immediate vicinity of the find, the find should be protected from additional disturbance, and the State Historic Preservation Division should be contacted immediately.

If you have any questions or concerns regarding this letter please contact Assistant Hawaii Island Archaeologist, Timothy E. Scheffler, Ph.D. at (808) 981-2979 (timothy.e.scheffler@hawaii.gov).

Aloha,

Nancy McMahon, Archaeology and Historic Preservation Manager
State Historic Preservation Division

TS

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ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

July 7, 2008

Nancy McMahon, Deputy SHPO
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei HI 96707

Dear Ms. McMahon:

Subject: Draft Environmental Assessment for Motor Supply Ltd. Purchase of Easement over State Land at Milo Street, Hilo, Island of Hawai'i TMK (3rd.) 2-2-029:001

Thank you for your comment letter on the Draft EA dated May 19, 2008, in which you stated that your Department had no comments to offer at this time.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

Ron Terry

Ron Terry, Principal
Geometrician Associates

Cc: Glenn Taguchi, Hawai'i DLNR Division of State Parks

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 96720-4224
(808) 961-8288 • FAX (808) 961-8742

June 3, 2008

Mr. Ron Terry
Geometrician Associates
P.O. Box 396
Hilo, HI 96721

Dear Mr. Terry:

SUBJECT: Draft Environmental Assessment
Request: Purchase of Easement on State Land at Maile Street
Applicant: Motor Supply Ltd.
Tax Map Key: 2-2-29:Por. of 1

This is to acknowledge receipt of the Draft Environmental Assessment for the aforementioned project.

We have no additional comments to add to our November 2, 2007 letter.

We would, however, like to address the follow statement in **Section 3.3.2 Roadways**:

> *"Depending on the type of business proposed – its working hours, employee and customer numbers, and business nature – traffic improvements to Kilauea Avenue, such as turn lanes or storage lanes, may be necessary. The need for and nature of these improvements would best be determined during Plan Approval for the particular development, when the details necessary to specify the improvements will be available."*

As a reminder, TMK: 2-2-29:6 (Motor Supply, Ltd.) is also within the Special Management Area (SMA). According to Planning Commission Rules of Practice and Procedure, Rule 9-4(10)A(v), "development" includes *"Construction, reconstruction, demolition, or alteration of the size of any structure."* Therefore, if the proposed project costs less than $125,000 and does not have a cumulative impact or a substantial adverse effect on the SMA, a SMA Minor Permit would be required. If the proposed valuation of the project exceeds $125,000, or may have a substantial adverse effect on the SMA, a

SMA Use Permit would be required. Traffic impacts would be evaluated and addressed at this time. Plan Approval review would then be required as a condition of approval of the SMA permit.

If you have questions, please contact Esther Imamura of this office at 961-8288, extension 257.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

ETI:cs
P:\wpwin60\ETI\EAdraftPre-consul\Terry Motor Supply 2-2-29-1.rtf

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

Mr. Glenn Taguchi
State of Hawaii, DLNR
P. O. Box 621
Honolulu HI 96809

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integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

July 7, 2008

Christopher J. Yuen, Director
Hawai'i County Planning Department
101 Pauahi Street; Suite 103
Hilo, Hawai'i 96720

Dear Mr. Yuen:

Subject: Draft Environmental Assessment for Motor Supply Ltd. Purchase of Easement over State Land at Milo Street, Hilo, Island of Hawai'i TMK (3rd.) 2-2-029:001

Thank you for your comment letter on the Draft EA dated June 3, 2008, in which you stated that your Department had no comments to offer at this time.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

Ron Terry

Ron Terry, Principal
Geometrician Associates

Cc: Glenn Taguchi, Hawai'i DLNR Division of State Parks

PHONE (808) 594-1888

FAX (808) 594-1865

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

HRD08/3277B

June 13, 2008

Ron Terry
Geometrician Associates
P.O. Box 396
Hilo, HI 96721

RE: Request for comments on the Draft Environmental Assessment of Motor Supply Ltd.'s purchase of an easement on state land at Maile Street, Hilo, Hawai'i Island, TMK: (3) 2-2-29:01.

Aloha e Ron Terry,

The Office of Hawaiian Affairs (OHA) received the above-mentioned letter on May 8, 2008. Motor Supply Ltd. proposes to purchase an easement on state land at Maile Street to allow access to their 16,529-square foot property, which is adjacent to the street. There is another possible access to the property; however, county traffic lights and drainage facilities preclude this other access as a viable option. OHA has reviewed the project and offers the following comments.

OHA notes that the subject land is designated as Section 5(b) Ceded Lands, which hold a considerable amount of sentimental, historical and legal significance for Native Hawaiians and OHA. These lands were illegally taken from the Hawaiian Kingdom after the 1893 overthrow and later transferred ("ceded") by the United States government to the State of Hawai'i upon statehood. Today, the state holds the Ceded Lands corpus in trust for Native Hawaiians and the general public. OHA is supposed to receive a portion of all revenues generated on these lands. In addition, we appreciate that the applicant addressed our concerns about the length of the proposed easement and indicated in the Draft Environmental Assessment that the easement will be "short" and "non-exclusive."

The Draft Environmental Assessment is not clear whether the proposed easement and subsequent use of Maile Street will require the road to be improved. However, if improvements are required, we request the applicant's assurances that should iwi kūpuna or Native Hawaiian

cultural or traditional deposits be found during any ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions, please contact Sterling Wong (808) 594-0248 or e-mail him at sterlingw@oha.org.

'O wau iho nō me ka 'oia'i'o,

Clyde W. Nāmu'o
Administrator

C: OHA Hilo CRC Office

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

Glenn Taguchi
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

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rterry@hawaii.rr.com

July 7, 2008

Clyde Nāmu'o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 1250
Honolulu HI 96813

Dear Mr. Nāmu'o:

Subject: Draft Environmental Assessment for Motor Supply Ltd. Purchase of Easement over State Land at Milo Street, Hilo, Island of Hawai'i TMK (3rd.) 2-2-029:001

Thank you for your comment letter on the Draft EA dated June 13, 2008. We appreciate your review of the document and discussion of the ceded lands issue. With respect to future improvements on Maile Street, none are part of the proposed action or are anticipated in the near future. Redevelopment of the Motor Supply property may trigger a requirement to widen or otherwise improve Maile Street. The EA specifies in Section 3.2.2 the precautions that you advise in case of the discovery of iwi kupuna or historical or cultural properties during further development activities.

If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

Ron Terry

Ron Terry, Principal
Geometrician Associates

Cc: Glenn Taguchi, Hawai'i DLNR Division of State Parks