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GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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BOARD OF LAND AND NATURAL RESOURCES

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LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

JUL 14 1993

FILE NO.: HA-4/7/93-2574  
DOC. NO.: 3109

MEMORANDUM

TO: The Honorable Brian J. J. Choy, Director  
Office of Environmental Quality Control

FROM: KEITH W. AHUE, Chairperson *AK*  
Board of Land and Natural Resources

SUBJECT: Document for Publication in the OEQC Bulletin - Final  
Environmental Assessment for Conservation District Use  
Application No. HA-4/7/93-2574 for Access Easement and Utility  
Easement on State-owned Property at Lalamilo, South Kohala,  
Hawaii; TMK: (3) 6-6-02:31

The above mentioned Chapter 343 document was reviewed and a negative  
declaration was declared based upon the final environmental assessment  
provided with the CDUA.

Please feel free to call me or Roy Schaefer of our Office of Conservation  
and Environmental Affairs, at 587-0377, if you have any questions.

1993-08-08-HI-FEA - Trunkwell non-exclusive Access and a  
perpetual non-exclusive utility Easement

AUG 8 1993

FINAL  
ENVIRONMENTAL ASSESSMENT

CONSERVATION DISTRICT USE APPLICATION  
EASEMENTS FOR ACCESS AND WATERLINE PURPOSES  
OVER STATE LAND (3-6-6-02: 31) TO SERVICE  
TMK's 3-6-6-02: 03, 04, 05

WAILEA BAY, LALAMILO, SOUTH KOHALA,  
HAWAII

October, 1991

**ENVIRONMENTAL ASSESSMENT**

**CONSERVATION DISTRICT USE APPLICATION  
EASEMENTS FOR ACCESS AND WATERLINE PURPOSES  
OVER STATE LAND (3-6-6-02: 31) TO SERVICE  
TMK's 3-6-6-02: 03, 04, 05**

**WALEA BAY, LALAMILO, SOUTH KOHALA,  
HAWAII**

Prepared for:

Richard R. and Patronella Treadwell  
Richard T. Treadwell Trust  
Timothy J. Hosbein and Lisa M. Hosbein et al

For submittal to:

Board of Land and Natural Resources  
State of Hawaii

Prepared by:

Island Planning

October, 1991

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## **1.0 INTRODUCTION AND SUMMARY**

### **1.1 Introduction**

This environmental assessment has been prepared pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and is intended to supplement a Conservation District Use Application (CDUA) to be filed with the Department of Land and Natural Resources (DLNR). The CDUA is necessary to permit the conditional use of State lands in the Conservation District for waterline and access easements leading to three residentially zoned parcels owned by the applicants.

This assessment is being made on behalf of three adjacent landowners (identified below) who are the heirs of the original owner of these lots in the Wailea Beach Lots subdivision. The current owners seek to cooperate with one another to establish shared water and access easements through surrounding State lands to their individual properties.

The project area where the easements are located is mauka of Wailea Bay in Lalamilo, South Kohala within State owned TMK 6-6-02:31. (Figure 1). A 30' wide access easement is being requested along an existing dirt road through State owned land leading from the old Kawaihae-Puako Road to the mauka side of three private properties owned by the applicants (TMK 6-6-02: 03, 04, and 05). (Figure 2). The easement would follow the existing road way alignment.

The requested waterline easement would run from the end of the existing County of Hawaii, Department of Water Supply (DWS) waterline serving other Wailea Bay properties northward to serve the subject properties. The easement would run through State owned land (6-6-02:31) mauka of the Wailea Houselots to serve the subject properties. (Figure 2). The proposed easement will fall alongside an existing jeep road that runs mauka of the existing private beach lots. The alignment of this proposed waterline easement would be identical to that previously granted by the Land Board to Mr. Randolph Stockwell (HA-2145) in 1989.

The granting of the requested easements would serve an existing beach house on Lot #3 and as well as two (2) additional beach residences planned for Lots #4 and #5. The proposed residences are intended for part time beach use by the families and will be between 1,000 - 2,000 sf. in size. Building permits for these addition residences have been submitted to the County for their review and approval.

This report will present information required by the DLNR "Master Application Form" (Revised October 1986).

**1.2 Development Summary**

**Applicants:** Richard R. Treadwell and Patronella Treadwell (TMK 6-6-02:04)  
P. O. Box 1017  
Ross, California 94957

Richard T. Treadwell Trust  
Richard R. Treadwell, Trustee (TMK 6-6-02:03)  
P. O. Box 1017  
Ross, California 94957

Dr. Lisa M. Hosbein and Timothy J. Hosbein et al (TMK 6-6-02:05)  
7061 San Jacinto Court  
Citrus Heights, California 95621

**Property Location:** Mauka of Wailea Bay, Lalamilo, South Kohala, Hawaii.

**State Property Affected:** TMK 3-6-6-02: 31

**Parcel Size:** 140.862 acres

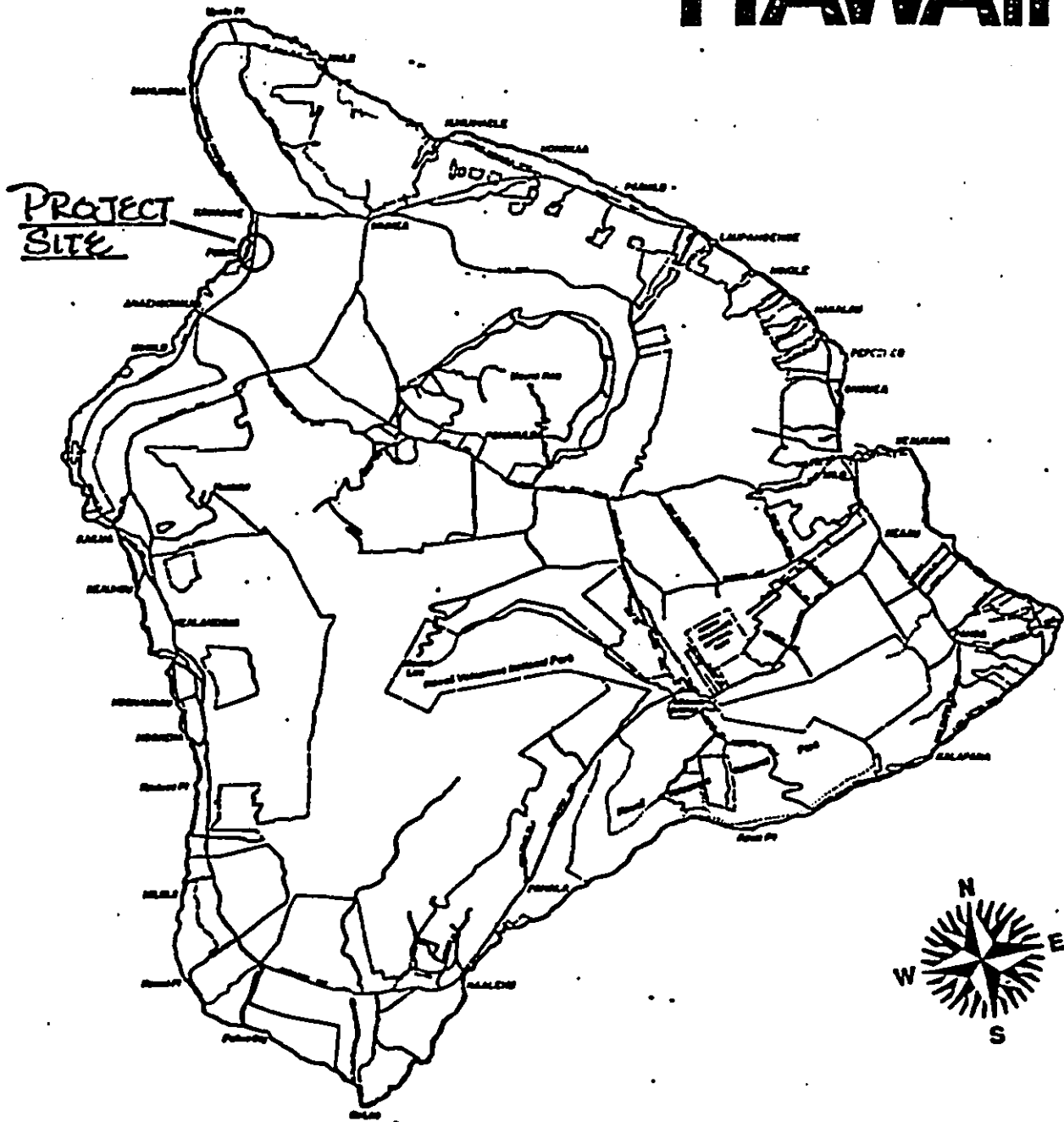
**Proposed Action:** Applicant requests a Conservation District Use Permit to allow for conditional uses on State lands within the Conservation district, Resource subzone. The applicant is requesting a 30' wide non-exclusive roadway easement over an existing mauka-makai dirt road to service three (3) residential parcels on the coastline. The applicant also seeks a 20' waterline easement along the makai boundary of the State's parcel to connect a service line from an existing county water line to the privately owned parcels.

**Accepting Agency:** Department of Land and Natural Resources, State of Hawaii.

**Existing Land Use Regulations:** State Land Use District: Conservation (Resource)  
County General Plan: Open  
County Zoning: Open

**Existing Land Uses:** The site is presently undeveloped and is covered with scrub kiawe and dry land grasses. There are several rough jeep roads running through the parcel from the old Kawaihae-Puako Road to the coastline that are used by fishermen and beach goers.

# HAWAII



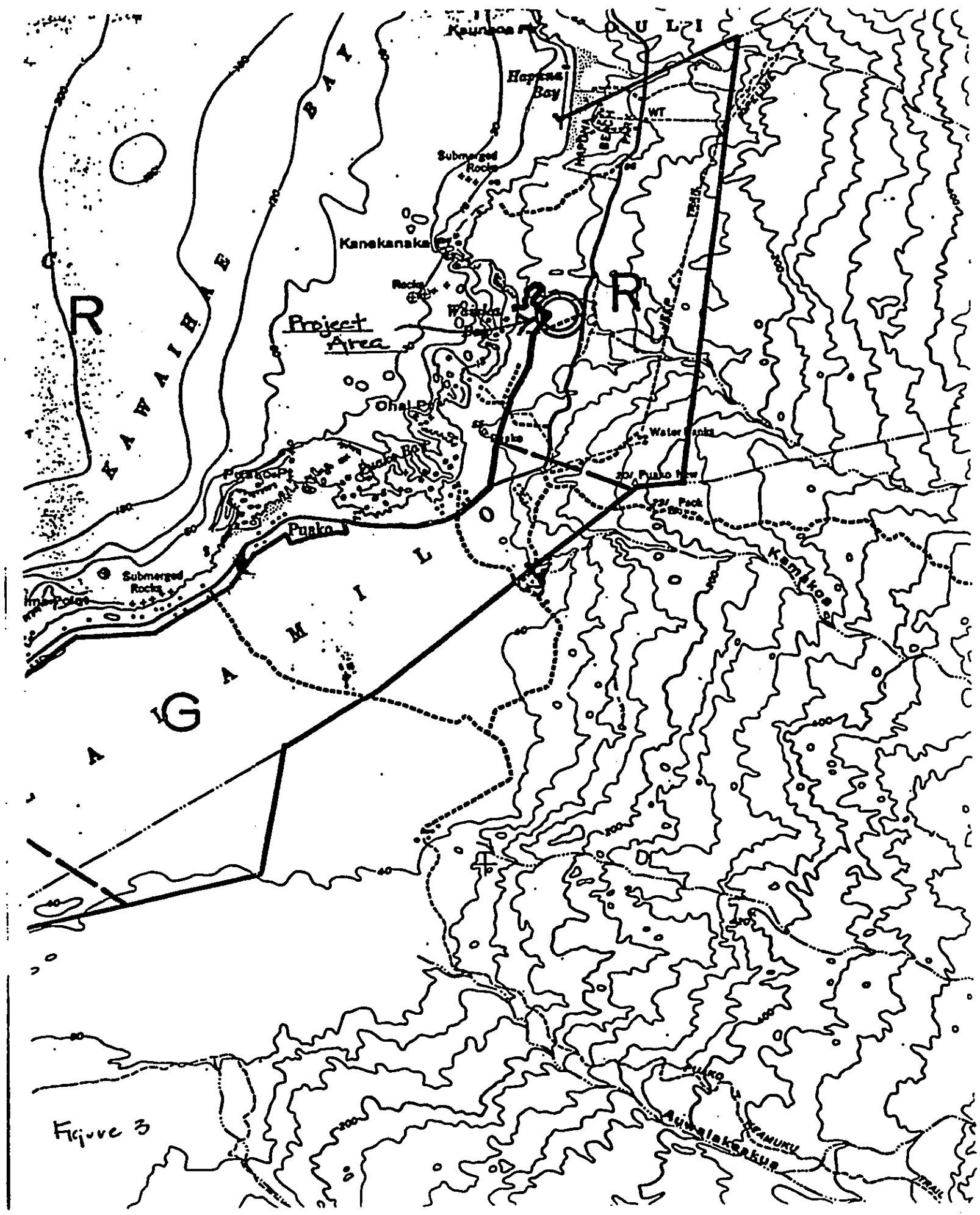
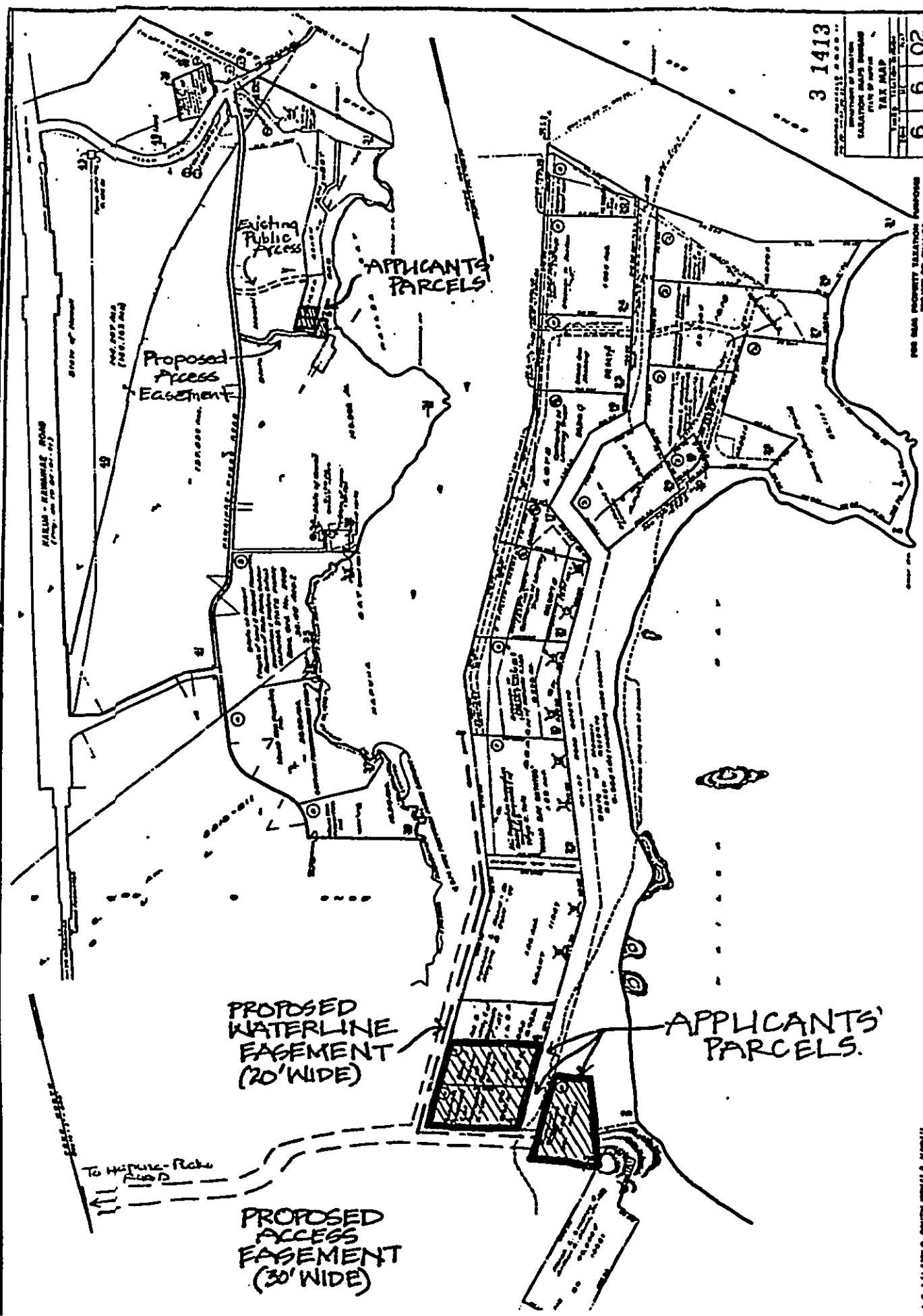


Figure 3



SUBJECT TO CHANGE



3 1413

|                                     |    |
|-------------------------------------|----|
| 3 1413                              |    |
| SECTION                             | 6  |
| TOWNSHIP                            | 6  |
| RANGE                               | 02 |
| PER MAN PROPERTY VALUATION PURPOSES |    |
| SUBJECT TO CHANGE                   |    |

18 S. ALABAMA SOUTH KNOXVILLE, TENNESSEE

## **2.0 DESCRIPTION OF THE PROPOSED ACTION**

### **2.1 Proposed Action**

This application is being made on behalf of three property owners who are the heirs of Dr. Richard T. Treadwell. Dr. Treadwell acquired Lot 3 in the Wailea Beach Lots from a private party in 1938 and then in 1941 acquired Lots 4 and 5 pursuant to a land exchange with the Territory. He has since passed these properties on to his children and grandchildren. The lots subject to this proposal and their owners are as follows:

6-6-02: 03 Richard T. Treadwell Trust  
6-6-02: 04 Richard R. Treadwell and wife Patronella  
6-6-02: 05 Lisa M. Hosbein  
Timothy J. Hosbein  
David T. Hosbein  
Anna W. Hosbein  
John N. Hosbein

The application seeks CDUA approval from the Board of Land and Natural Resources to allow separate waterline and roadway easements over TMK 6-6-02:31 belonging to the State of Hawaii to service the three properties listed above. These easements will allow the property owners to construct small beach houses on Lots #4 and #5 (approximately 1,000-2,000 sf. each) and will service an existing residence on Lot #3 which was built in 1939. The above listed properties are in the Urban State Land Use District and are zoned RS-20 by the County of Hawaii. Necessary building permit applications for the proposed residences have been submitted to the County for their review and approval.

The proposed 30' wide roadway easement is intended as an initial alignment pending the implementation of the State Parks Masterplan for the Hapuna Beach State Park. The initial alignment would be reviewed in conjunction with the State Park's masterplan for the area and relocated at the applicant's expense at that time.

The proposed alignment would follow an existing dirt road connecting the old Kawaihae-Puako Road with the northern end of Wailea Bay. This road has served as the functional access to the listed properties for several decades. The applicant would propose to improve the existing roadway by adding gravel fill and maintaining rough areas as they arise. There are no plans to construct a paved roadway until such time as a permanent alignment of the access is agreed to by the applicant and the State of Hawaii. The applicant does however seek permission to construct a paved access road within the final easement area in the future.

The proposed waterline access would extend 800' northward from the end of the existing DWS line serving the Wailea house lots. The alignment would be identical to one approved by the Board of Land and Natural Resources under CDUP# HA 2145 in favor of Mr. Randolph Stockwell in 1989. The alignment would be 20' wide to provide for a waterline and rough access road for maintenance purposes by the Department of Water Supply (DWS).

Electrical and telephone service to the subject parcels is currently available via existing service lines and associated easements.

## **2.2 Alternatives Considered**

Several alternatives to the proposed action were considered including a no action alternative, several alternative alignment alternatives and the proposed alignment alternative. After discussion with several agencies, it appears that the most reasonable alignment for the proposed easements are those presented herein.

Alternative road access alignments included the following:

1. Access via the existing public access roadway alignment from the Kawaihae-Puako road to a point mauka of the Beach Lot subdivision then turning north through State lands along the mauka boundary of TMK's 6-6-02: 06 and 07.
2. Access via the existing public access roadway from the Kawaihae-Puako road to the coastline then turning north along an existing 40' road reserve makai of the Beach Lot parcels which connects to the applicants' parcels.
3. Access via an existing private easement between the Kawaihae-Puako road and existing private residences on the south side of Wailea Bay, then following the existing 40' road reserve northward on State property makai of the Beach Lots to the subject property.
4. Access via a new roadway easement following an existing jeep road from the Kawaihae-Puako road which leads directly to the mauka edge of the subject properties over State lands.

## **2.3 Discussion of Alternatives**

Alternatives 2 and 3 were determined to be the least desirable because they utilize the road reserve parcel makai of the Beach Lots and would potentially conflict with the public's use of the beach area. Access via the 40' road reserve makai of the Beach Lots was apparently the intended access to the subject properties at the time the Territorial Government initially sold or exchanged property at Wailea Bay. Given the current public use of the area these alternatives were not pursued.

Alternative 1 utilizes the existing public access road to Wailea Bay which serves a small unimproved parking lot near the coast. In discussions with Division of State Parks and Division of Land Management personnel, it was determined that a separate access to the subject properties would be desirable to avoid overlapping rights and jurisdiction on the public access.

Alternative 4 was the selected access alternative and was determined to have the least impact on the public's use of the area in the future and provide the most flexibility for future planning efforts.

There were no waterline easement alignments alternatives considered. The proposed alignment would utilize the same waterline easement which was granted by the Board of Land and Natural Resources to Mr. Randolph Stockwell (owner of TMK 6-6-02:25) under HA-2145 in 1989. The applicant would propose to work with Mr. Stockwell to install an adequate waterline within the existing easement to service the current applicants and Mr. Stockwell's property cooperatively. This alternative would have the least amount of impact on the State property.

A "no action" alternative was also considered as part of this assessment. The subject properties were initially acquired with the intent to construct single family residences. A "no action" alternative would deprive the land owners of the use of their properties which were acquired from the Territory of Hawaii for that intended purpose. The landowners believe they have a legal right to gain access to the properties across the State lands. They are requesting this access easement through the CDUA process because this appears to be the most appropriate, cost-efficient method of securing their access rights. The applicants intend to use their property for residential purposes and will continue to pursue their access rights. If there is no action relative to the waterline easement, the applicant will utilize catchment or de-salting for their residential water supply.

#### 2.4 Consulted Agencies

The following agencies were contacted for information used in this assessment:

##### State Agencies

Department of Land and Natural Resources  
Division of Land Management  
Division of State Parks  
Office of Historic Sites

##### County of Hawaii

Department of Planning  
Department of Public Works  
Department of Water Supply

Public Utilities  
Hawaii Electric Light Company  
Hawaiian Telephone Co.

### **3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT**

This section briefly describes the affected environment and potential impacts that the proposed action may generate on the environment.

#### **3.1 General Physical Environment**

Location. The proposed action affects the State owned parcel of land (TMK 6-6-02: 31) which surrounds Wailea Bay in the coastal portion of Lalamilo, South Kohala, Hawaii. The area is makai of the old Kawaihae-Puako Road and is approximately one-half mile south of Hapuna Beach State Park.

Topography, Climate. The project area is located on the leeward coast of the island of Hawaii at elevations less than 100' above sea level. The area is generally hot and dry with annual rainfall of approximately 10". Mean temperatures in the area are 76 degrees with frequent windy conditions which blow on and off shore during various times of the day and night. Wind conditions vary from light to extreme depending on regional weather conditions.

Geologically, the area is built on lavas of the Hamakua series from Mauna Kea. The land form is gradual in slope, rising slowly from the coastline with a few intervening gullies and ridges that were created by erosion. Soils in the area are classified by the Soil Conservation Service as Kawaihae, extremely stony very fine loam with six to twelve percent slopes. The soil is moderately permeable and run-off is medium with moderate erosion hazard. Soils of this type are most commonly used for pasture, wildlife habitat and recreation areas.

Surrounding Land Uses. The land area affected by this proposal lies immediately mauka of a number of beach front lots some of which were sold at public auction by the Territory of Hawaii in 1938. These coastal lots are designated Urban by the State Land Use Commission and "low density residential" on the County of Hawaii General Plan Land Use Pattern Allocation Guide (LUPAG) map. Lots fronting the oceans are zoned RS-20 or RS-15 by the County and there are several existing residences already in place mauka of the sand beach.

The public currently utilizes Wailea Beach via an existing dirt access road at the approximate middle of the bay. The beach is a popular place of public swimming, snorkelling and sun bathing with generally safe ocean conditions.

Lands north of the project area are currently unutilized and lie in an undeveloped state. The State of Hawaii has plans to expand the existing Hapuna Beach State Park from its current location southward to encompass a portion of Wailea Bay. These plans were presented over two decades ago and remain generally unrealized. The State has recently initiated condemnation proceedings on four of the Wailea Beach Lots adjacent to the properties which are the subject of this application. There are no pending actions that effect the subject properties.

Around the subject area, Wailea Bay is fringed with private residences. To the south, approximately one-half mile, is the beachfront community of Puako, an area of mixed residential and resort zoned property.

### 3.2 Flora and Fauna

Vegetation in the project area consists primarily of dry land exotic species of low shrub, kiawe trees and dry land grasses which grow on rough, rocky soils. The area has been subject to occasional brush fires that burn in portions of the leeward range. Large stands of kiawe forests had previously grown up along the coastal area and have been intermittently burned off in wind blown brush fires over the last several years. Scattered kiawe trees have survived the recent fires while residents in the area have planted other forms of wind breaks to replace the previous kiawe thicket behind their houses.

In addition to an assortment of exotic dry land grass species, plant species observed in the area include:

|          |                            |
|----------|----------------------------|
| Kiawe    | <u>Prosopis pallida</u>    |
| Ilima    | <u>Sida fallax</u>         |
| Pohuehue | <u>Ipomoea pes-caprae</u>  |
| Uhaloa   | <u>Waltheria americana</u> |

All of the above species are common in the dry leeward environment and none are considered rare or endangered.

Fauna in the area is similar to other dry land areas along the leeward coast. Mammals either sited or known to exist in the project area include:

|            |                                |
|------------|--------------------------------|
| Mongoose   | <u>Herpestes auropunctatis</u> |
| Mice       | <u>Mus musculus</u>            |
| Rats       | <u>Rattus rattus</u>           |
| Feral Cats |                                |

Birds that have been observed or are known to exist in the general area include:

|                       |                                   |
|-----------------------|-----------------------------------|
| Common Mynah          | <u>Acidotheres tristis</u>        |
| House Sparrow         | <u>Passer domesticus</u>          |
| House Finch           | <u>Carpodacus mexicanus</u>       |
| Saffron Finch         | <u>Sicalis flaveola</u>           |
| Northern Cardinal     | <u>Cardinalis cardinalis</u>      |
| Red- Crested Cardinal | <u>Paroaria coronata</u>          |
| Japanese White Eye    | <u>Zosterops japonica</u>         |
| Barred Dove           | <u>Geopilia striata striata</u>   |
| Lace-necked Dove      | <u>Streptopelia chinensis</u>     |
| Grey Francolin        | <u>Francoelinus pondicerianus</u> |

None of the fauna in the area are considered rare or endangered.

There are no inland bodies of water or anchialine ponds affected by this proposal and all properties involved are set back from the ocean. There are no aquatic resources affected by this proposal.

Probable Impact. There are no known endangered plants in the area and the removal of any of the existing vegetation in conjunction with the proposed easements is not expected to have any significant impact on the plant and animal communities in the area.

### 3.3 Historical/ Archaeological Resources

The area of both proposed easements were walked by the archaeologically trained staff of Island Planning in September 1991. No semblance of archaeological sites or other remains were located within either of the easement areas. The areas within both easements have been substantially disturbed by the pre-existence of rugged 4 wheel drive roads that vary from 10' to 30' in width. The terrain within the easements is rough and undulating with direct exposure to the extreme wind and heat conditions that have been characterized above. The walk through survey revealed no signs of prehistoric wall construction and no imported or arranged material that might have been associated with earlier use or habitation.

In 1978 Parcel 31 was surveyed by State Parks personnel indicating several historic sites in the area surrounding the proposed easements. A report by Yent and Griffen entitled "Results and Recommendations of the Archaeological Reconnaissance Survey Conducted at Hapuna Beach State Park" is on file at the Historic Sites Office. Several sites were identified in the report to be in the general area of the proposed easements. Although none of these sites were located on the ground to be within the area of the proposed easements, sites do apparently exist nearby. The applicant would propose that the final easement corridor be reviewed by an archaeologist and any sites in the area flagged for protection prior to any efforts to expand or improve the alignment of the existing access road.

**Probable Impacts.** Based on a physical site inspection, there will be no impact to historic or prehistoric resources as a result of the proposed action. As a precaution, however, the applicant should have the easement area inspected by an archaeologist prior to roadway construction or improvement efforts.

### 3.4 Air Quality

The proposed action may generate a small amount of dust during the trenching of the proposed waterline and during times of periodic road improvements. Digging and backfilling a waterline trench should take no more than one week of elapsed time. Dust during this period can be expected to vary depending on the wind conditions. Mitigation measures will be taken to control airborne particles resulting from waterline construction including regular watering and prompt landscaping of disturbed areas.

The applicant plans to maintain the existing roadway alignment and to periodically improve portions of it with the import of gravel fill. Placing gravel on the existing road alignment will also assist in mitigating dusty conditions.

**Probable Impacts.** The construction of the waterline and the maintenance of the existing road will have minimal short term impacts on local air quality related to fugitive dust. Short term impacts can be minimized with the use of simple dust control measures. There will be no long term impacts to air quality as a result of this project.

### 3.4 Visual/Scenic Resources

Visual and scenic resources in the South Kohala region are primarily those related to the motorists experience of driving along the expansive Kohala coastline with simultaneous and unobstructed views of the ocean and several mountain features. Settlement and development along the shoreline is generally distant for the roadways and landscaped by natural kiawe thicket or other man-made plantings. Visual and scenic resources in the Wailea Bay area are similar to those along the rest of the coastline with scattered single family residences only partially visible behind clusters of natural and man made landscape buffers.

The proposed waterline will have no impact on scenic and visual resources. The proposed roadway easement is already in place and will be improved with fill material as needed to maintain it in a serviceable state.

Indirectly, the granting of the proposed easements will benefit the construction of two additional single family residences on existing residentially zoned parcels along the coast. Both houses will be relatively small structures to be used as part time beach houses by their owners. All new residential construction will be landscaped to protect them against the



frequent off shore winds in the area and to minimize their visual impact from passers-by on the roads inland.

**Probable Impacts.** The construction of the waterline and road improvements will have little or no direct impact on the scenic/visual resources in the area. House construction, which is an indirect impact of the easements will have minimal visual impact due to local topographic conditions and the proposed planting of wind breaks and landscape buffers mauka of the houses. Coastal views of the property will also be mitigated with landscape improvements.

#### **4.0 LAND USE POLICY**

This section discusses the relevant State and County land use policies and controls which may affect the proposed action.

##### **4.1 State Land Use Law**

Chapter 205, HRS provides for the classification of all lands in the State of Hawaii into one of four categories, Urban, Agriculture, Rural and Conservation. The law further outlines the allowable uses and activities within each land use district as the guiding set of policies for the State Land Use Commission.

The land on which the applicant seeks access and waterline easements belongs to the State of Hawaii and is designated in the Conservation district. Regulatory control over Conservation lands lies with the Board of Land and Natural Resources and are subject to the Administrative Rules of the Department of Land and Natural Resources pursuant to Section 183-41, HRS.

The project area lies within the Resource subzone, the objectives of which are as follows:

"... develop, with proper management, areas to ensure sustained use of the natural resources of those areas." Section 13-2-13 (a), Administrative Rules.

The boundaries of the Resource subzone generally include:

"Lands necessary for providing future parkland and lands presently used for national, state, or private parks; ... Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping and picnicking:..." Section 13-2-3(b) (1), (3) Administrative Rules.

Because the proposed action ( the development of a waterline and access easement on Conservation lands) is not considered a permitted use under the DLNR rules, a Conservation District Use Application (CDUA) must be submitted to the DLNR and approved by the Board of Land and Natural Resources prior to acquiring the easement areas from DLNR.

#### 4.2 Consistency with Subzone Objectives

Any use within the Conservation district is subject to conditions imposed in Section 13-2-21, Administrative Rules. Relevant conditions are cited below followed by a brief comment regarding the conditions applicable to the proposed action.

- (1) "The use shall be compatible with the locality and surrounding areas, and appropriate to the physical conditions and capabilities of the specific parcel or parcels of land:..."

**Comment:** The proposed easements will be consistent with other such easements in the immediate vicinity which provide access and waterlines to residential uses already existing on surrounding property. The roadway will follow an existing dirt road which has served as an informal access to the coastline for many years. The waterline will follow the natural topography of the area and be installed below the surface of the ground. The residential uses to be supported by the proposed easements are consistent with the existing land uses in the area and with the intent of the original sale or exchange of properties in the area by the Territory of Hawaii in 1938.

- (2) "The existing physical and environmental aspects of the subject area, such as natural beauty and open space characteristics, shall be preserved or improved upon, whichever is applicable;..."

**Comment:** Easements for a new underground waterline and an existing dirt access road will have no significant impact on the natural beauty or open space characteristics of the area.

- (3) " All buildings, structures, and facilities shall harmonize with physical and environmental conditions stated in this rule;..."

**Comment:** No buildings or permanent structures are proposed within the Conservation district as a result of this action.

- (8) "Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes in the landscape shall have the approval of the chairperson and/or authorized representative;..."

**Comment:** Final metes and bounds descriptions of the proposed access easement will be submitted to the Board of Land and Natural Resources for final approval. No other relevant changes are proposed.

- (10) "Obstruction of public roads, trails, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department;..."

Comment: Construction of the proposed waterline will require that the existing public access to Wailea Beach be crossed briefly by an open trench. Every effort will be made to minimize the public inconvenience associated with the obstruction and the applicant will coordinate the activity to the approval of the department.

- (12) "Overloading of off-site roadways, utilities, and public facilities shall be minimized;..."

Comment: The action will have minimal impact on off-site roadways or public facilities. Electrical and water service is available from the existing service lines in the area.

#### 4.3 County General Plan

The Hawaii County General Plan is the policy document for the long range comprehensive development of the island of Hawaii. The LUPAG map contained in the 1989 General Plan Update designates the area affected by this application as "Open". This designation is intended to provide and protect open space for the social, environmental, and economic well being of the County of Hawaii and its residents.

Easements for waterline and access purposes do not significantly impact upon open space. Accordingly, such easements are consistent with the General Plan designation for this area.

#### 4.4 Coastal Zone Management/Special Management Area Rules and Regulations

The project area is located within the Special Management Area (SMA) as defined by Chapter 205A, HRS and Chapter 9 of the County Of Hawaii Planning Department Rules. The County of Hawaii regulates all development within the SMA.

Under Rule 9-4(10)(x) of the Planning Commission Rules "development" excludes:

"The creation or termination of easements, covenants, or other rights in structures or land;..."

An SMA permit is not technically required for the proposed action. A formal determination of that fact has been requested from the County Planning Department.

#### 4.5 Environmental Impact Statements (Chapter 343, HRS)

Section 343-5(a)(2), HRS provides that any uses proposed within lands classified within the Conservation district are subject to the provisions of Chapter 343, HRS.

Section 343-5(c), HRS states that applications proposing actions subject to Chapter 343, HRS:

"shall prepare an environmental impact assessment of such proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required."

This environmental assessment has been prepared to fulfill these requirements.

#### 5.0 DISCUSSION AND DETERMINATION

Direct environmental impacts from the granting of the requested easements is limited to the short term disruption of the ground surface to install a waterline and the incidental impacts of widening and maintaining an existing four-wheel drive access road to the subject properties from the Kawaihae-Puako Road. There are no significant environmental resources in the area that may be disrupted by these actions. There is however the need to locate and document the existence of possible historic sites in the vicinity of the easements to avoid any unintended disruption that may occur as a result of the applicants' action.

Neither mauka/makai nor lateral public access to Wailea Bay will be disrupted as a result of this application. The formal public access and parking area for Wailea beach from the public road is located only 400' south of the requested access alignment. The application will have no impact on this existing situation. Lateral access along the beach will also be left intact.

The principal issue in the granting of the proposed easements relates to the plans of the Division of State Parks regarding the proposed expansion of Hapuna Beach State Park. The proposed easement areas and the private parcels to be served by the easements lie within an area previously designated for State Park expansion. The existing plan for the area was drawn up nearly 20 years ago and is very general in nature.

If, at some point in the future, the State finalizes its plans for the proposed State Park expansion, the easements may be realigned to accommodate the State's plans or other appropriate action taken. In the event that the State acquires the properties to which the requested easements would be appurtenant, the easements would terminate by operation of law. Unless and until the subject properties are acquired by the

State, the landowners should be permitted to utilize their properties for their residential purposes as permitted under the existing State land use classification and County zoning.