

JOHN WAIHEE
GOVERNOR OF HAWAII



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PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P.O. BOX 621 (HFC. 0)
HONOLULU, HAWAII 96809
94 MAR -3 A7:47
QUALITY

Ref.: LM-GM

MAR -2 1994

KA-90:1805

Mr. Brian Choy, Director
Office of Environmental
Quality Control
State of Hawaii
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

Dear Mr. Choy:

Subject: Negative Declaration for Proposed Perpetual,
Non-Exclusive Easement for Access and Utility
Purposes, Kapaa Homesteads, 3rd Series, Kapaa,
Kawaihau, Kauai, Tax Map Key: 4-6-32:Por. 22

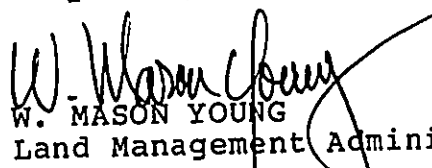
The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period. We have determined that this project will not have a significant environmental effect, and therefore, we are issuing a negative declaration. Please publish this notice in the next available OEQC Bulletin.

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

Please contact Mr. Gary Martin at 587-0414 if you have any questions.

Thank you for your attention to this matter.

Very truly yours,


W. MASON YOUNG
Land Management Administrator

Enclosures

cc: Kauai Land Board Member
Kauai District Land Office

25

1994-03-23-KA-PEA-Kapaa Homesteads
Easement

MAR 23 1994

7-23

FINAL

ENVIRONMENTAL ASSESSMENT

IDENTIFICATION OF APPLICANT:

Gary Rodrigues

IDENTIFICATION OF APPROVING AGENCY:

Department of Land and Natural Resources, Division of Land Management

IDENTIFICATION OF AGENCIES CONSULTED IN MAKING ASSESSMENT:

County of Kauai Planning Department

GENERAL DESCRIPTION:

Technical. Applicant is requesting a perpetual, non-exclusive access and utility easement over State-owned land identified as Tax Map Key 4-6-32: por. 22, located in Kapaa, Kawaihau, Kauai. The requested easement is to be 44 ft. wide, and is necessary in order to consolidate and re-subdivide land owned by the Rodrigues family, located to the north. This property is State Land Use Districted "Agricultural" and County Zoned "Open District (O)".

Economic. The establishment of a perpetual, non-exclusive access easement will not generate economic impacts to the County.

Social. The proposed easement will enable the applicant to consolidate and resubdivide family owned land. This subdivision will provide additional home lots for family members.

Environmental. The proposed easement is located in the only level area of the parcel. The balance of the parcel is gully and marsh land. Adverse environmental impacts are not anticipated should an access easement be established on this portion of the property.

SUMMARY DESCRIPTION OF AFFECTED ENVIRONMENT:

This area of Kapaa Homesteads is characterized by large, open pasture areas and smaller house lot sites created via the subdivision or CPR process; it is a rural, agricultural community. The proposed access easement will not alter nor affect the activities of the community. Its location and design is based on the recommendations of the County of Kauai Planning Department.

This particular area serves as a drainage area based on the parcel's topography. The only area of the parcel that is level is the area sought for the easement - no impacts to the drainage capacity or function of the parcel are anticipated.

Inasmuch as Cultural Resource Data Map Panel K-08 reflects "Moderate Sensitivity" for the site specifically, and generally the entire district, there is nothing of historic sensitivity remaining on the site, both above

ground or below ground. This is due to major earth moving activities in 1992 on this and adjacent sites when critical flood water conditions flooded and eroded much of the area, threatening collapse of the reservoir walls. These areas have been completely rebuilt and/or regraded by the County of Kauai. The County also maintains and grades this area in order to assure proper drainage for Kahuna Road. These activities have prevented the establishment of any sort of botanical or wildlife communities of importance on the site.

PROPOSED MITIGATION MEASURES, IF ANY:

Alternative sites have been examined with the County of Kauai Planning Department in which to establish an access point to the applicant's rear properties, for the purpose of subdividing. The alternative areas and methods examined would entail the construction of access points that would have negative impacts on the drainage capabilities of the drainage way. The proposed site is the only level area off Kahuna Road that is available that does not impact the drainage function of the drainage way.

Any improvements to the easement will be to County standards.

DETERMINATION:

Based on the foregoing, it is determined that the establishment of a perpetual, non-exclusive easement over State land in the area reflected on the enclosed map will not cause nor create any adverse environmental or social impacts in the neighborhood or to surrounding communities.

JOHN WAIHEE
GOVERNOR

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BRIAN J. J. CHOY
Director

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 SOUTH KING STREET
FOURTH FLOOR

HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185

July 13, 1993

The Honorable Keith W. Ahue, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Gary Martin, Division of Land Management

Dear Mr. Ahue:

Subject: Draft Environmental Assessment for the Rodrigues Request
for a Perpetual, Non-Exclusive Easement for Access and
Utility Purposes, Kawaihau, Kauai

Thank you for the opportunity to review the subject document. We
have the following comments.

- 1) The subject document states that the proposed easement is
located in the only level area of the parcel. The balance of
the parcel is gully and marsh land. We recommend that you
consult with the U. S. Army Corps of Engineers to determine
whether the project site is a wetland.
- 2) In the description of the environmental setting, please
include information relating to any fauna or natural resources
that may be present.
- 3) Please provide a summary of all major impacts that the project
may have on the surrounding environment.

If you have any questions, please call Jeyan Thirugnanam at
586-4185.

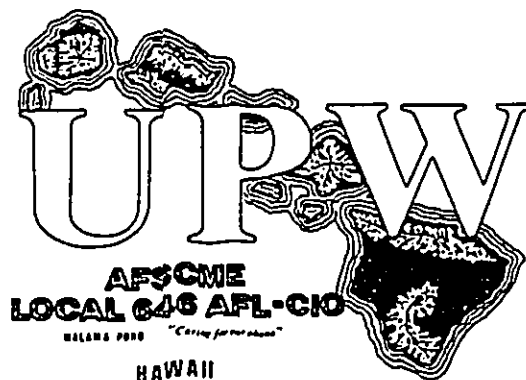
Sincerely,

Brian J. J. Choy

Brian J. J. Choy
Director

c: Gary Rodrigues

GARY W. RODRIGUES
Slate Director, UPW
President, Hawaii AFL-CIO
Judicial Panel, AFSCME



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DIVISION OF
LAND MANAGEMENT
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August 27, 1993

Mr. Brian J. J. Choy
Director
State of Hawaii
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
220 South King Street, Fourth Floor
Honolulu, Hawaii 96813

Dear Mr. Choy:

This is in response to your letter of July 13, 1993 to Keith Ahue on the subject cited above.

The reference to marsh land was not to indicate a wetland area as described by the actual definition used by the U. S. Army Corps of Engineers. The land has water because I constructed fish ponds on my property many years ago, and thereby causing a small portion of the land to be wet. If I drained the fish ponds, the land would dry.

The easement is about 500 yards from my fish ponds.

The easement would not have an impact on the environment because only minor grading would bring the easement into compliance with county road standards.

Sincerely,

Gary W. Rodrigues

GWR/tga
cc: W. Mason Young



Headquarters: 1426 N. School Street/Honolulu, Hawaii 96817/(808) 847-2631



