

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

March 23, 1994

Ref.: LM-GYT

Mr. Brian Choy, Director
Office of Environmental Quality Control
220 S. King Street, 4th Floor
Honolulu, HI 96813

Dear Mr. Choy:

Subject: Direct Sale of Access and Utility Easement at Kehena, Puna, Hawai'i
Tax Map Key:3rd/1-2-09:Por. 21
Applicant: Nicholas Schwaebe

In accordance with the requirements of Chapter 343, Hawai'i Revised Statutes, and Chapter 200 of Title 11, Administrative Rules, a Final Environmental Assessment has been prepared for the subject property.

Notice of availability of the Draft Environmental Assessment for the project was published in the October 23, 1993 OEQC Bulletin. A letter objecting the sale of the easement was received from Mrs. Clara Kakalia on November 22, 1993, and responded to by the consultant on December 8, 1993.

As the proposing agency, we are forwarding herewith, one copy of the OEQC Bulletin Publication form, and four copies of the Final Environmental Assessment. We have determined that there will be no significant impacts as a result of the project and, therefore, are filing the Final Environmental Assessment as a negative declaration. We respectfully request that public notice of the Final Environmental Assessment be published in the next scheduled OEQC Bulletin.

Very truly yours,


KEITH W. AHUE
Chairperson

c: Hawai'i Land Board Member
Land Management Administrator
Hawai'i District Land Office

MAR 23 1994

1595

Keith W. Ahue
Chairperson
BOARD OF LAND AND NATURAL RESOURCES
John P. Kappeler, II
Dona L. Hanaike
Deputies
AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

1994-04-23-HI-PEA-Schwaebe Direct
Sale of Access & Utility Easement

APR 23 1994

NEGATIVE DECLARATION (FINAL ENVIRONMENTAL ASSESSMENT)
FOR SALE OF PERPETUAL NON-EXCLUSIVE ROADWAY/UTILITY EASEMENT
TO SCHWAEBE AT KEHENA, PUNA, HAWAII

Prepared By:

RON TERRY, Ph.D.
HCR 9575, KEAAU, HAWAII 96749

December 17, 1993

TMK 1-2-09-21
PUNA, HAWAII

APPLICANT:

Nicholas Schwaebe
c/o Bruce Robinson
P.O. Box 390823
Kailua-Kona Hawaii 96739

CONSULTANT:

Ron Terry Ph.D.
HCR 9575
Keaau, Hawaii 96749

APPROVING AGENCY:

Division of Land Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 938
Hilo Hawaii 96720-0938

CLASS OF ACTION:

Use of State Lands

TABLE OF CONTENTS

| | | |
|---------------|---|---|
| PART 1: | ACTION DESCRIPTION | 1 |
| 1.1 | Technical | 1 |
| 1.1.1 | Project Location | 1 |
| 1.1.2 | Purpose and Objectives of Action | 1 |
| 1.1.3 | Ownership | 1 |
| 1.1.4 | Consultation with Government Agencies ... | 1 |
| PART 2: | ENVIRONMENTAL SETTING | 2 |
| 2.1 | Physical Environment Characteristics | 2 |
| 2.1.1 | Geology, Soils and Climate | 2 |
| 2.1.2 | Flora, Fauna and Ecosystems | 2 |
| 2.2 | Social and Economic Setting | 3 |
| 2.2.1 | Existing Land Uses | 3 |
| 2.2.2 | Public Facilities | 3 |
| 2.3 | Archaeology and Historic Sites | 4 |
| PART 3: | ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES | 4 |
| 3.1 | Short Term Impacts | 4 |
| 3.2 | Long Term Impacts | 4 |
| 3.3 | Permits and Approvals | 4 |
| PART 4: | ALTERNATIVES | 5 |
| 4.1 | No Action | 5 |
| 4.2 | Alternative Site Locations | 5 |
| PART 5: | DETERMINATION NEGATIVE DECLARATION | 5 |
| PART 6: | FINDINGS AND REASONS | 5 |
| REFERENCES | | 6 |
| ATTACHMENT 1: | LETTER FROM DLNR-LAND MANAGEMENT 2-25-93 | |
| ATTACHMENT 2: | LETTER FROM HAWAII COUNTY PLANNING DEPT. 5-28-93 | |
| ATTACHMENT 3: | FIGURE SHOWING PROJECT LOCATION | |
| ATTACHMENT 4: | COMMENTS AND RESPONSES | |

PART 1: ACTION DESCRIPTION

1.1. Technical

1.1.1 Project Location

The proposed action involves an easement across a State of Hawaii remnant parcel (TMK 1-2-09-21 [por]), to provide access to a "landlocked" private parcel (TMK 1-2-33-26) of 3.92 acres (see Attachment 3 for depiction). The property is located on the mauka side of County Road 137, approximately 1200 feet northeast of Kehena Beach. The proposed easement is 20 feet wide and approximately 92 feet long.

1.1.2 Purpose and Objectives of Action

The purpose of the action is to provide access to the property, which otherwise cannot be reached by vehicle. Mr. Schwaebe intends eventually to construct a single-family home on the parcel and requires legitimate access.

1.1.3 Ownership

The proposed easement is presently owned in fee by the State of Hawaii.

1.1.4 Consultation With Government Agencies

As part of the application process for the proposed easement, the Land Management Division of the Hawaii State Department of Land and Natural Resources (LMD-DLNR) solicited comments from a number of county and state agencies. Their comments have been summarized by Mr. Glen Taguchi of LMD-DLNR in a letter to the applicant dated 25 February 1993 (Attachment 1). LMD-DLNR analyzed the responses and has imposed certain conditions on the location, size and nature of the easement (See Section 3.3).

Because the proposed easement lies within the Special Management Area (SMA), the Hawaii County Planning Department was contacted. The Planning Department determined that the easement purchase is exempt from the definition of "development" under Hawaii County Planning Commission Rule No. 9 and has exempted the easement creation from further SMA requirements (see Attachment 2).

PART 2: ENVIRONMENTAL SETTING

2.1 Physical Environment Characteristics

2.1.1 Geology, Soils and Hazards

The area containing the subject parcels is part of the 1955 a'a lava flow from the East Rift of Kilauea Volcano. No soil has yet developed on the site. The extremely permeable nature of the 1955 a'a lava prevents drainage problems during even the heaviest rains.

The site, along with much of the Big Island, is subject to geologic hazards, especially lava flows and earthquakes. The location of the property adjacent to and downslope from the East Rift earns it a rating of Lava Flow Hazard Zone 2 (on a scale of ascending risk 9 to 1) (Wright et al 1992). Zone 2 areas have had 15 to 25% of their surfaces covered by lava since 1800, and 25 to 75% covered within the past 750 years. As such, there is considerable risk of lava inundation over relatively short time scales (see Heliker 1990).

The proposed easement lies at an elevation of approximately 80-100 feet above mean sea level, and is thus not subject to high waves or tsunami.

2.1.2 Flora, Fauna and Ecosystems

The recent a'a lava supports little vegetation. Typical early colonizers such as lichens (e.g., Stereocaulon vulcani), 'ohi'a lehua (Metrosideros polymorpha) and sword ferns (Nephrolepis spp.) are found scattered on the 1955 flow. No large 'ohi'a trees are present on or near the proposed easement. Where the a'a has been bulldozed (as on the portion of the easement adjacent to the government road), alien vegetation quickly invades. Common plants in the vicinity include sourbush (Pluchea odorata), guava (Psidium guajava), honohono (Commelina diffusa), lantana (Lantana camara), laua'e (Phymatosorus scolopendria), sleeping grass (Mimosa pudica), christmas berry (Schinus terebinthifolius) and assorted alien grasses.

Native fauna in recent a'a in the disturbed coastal lowlands is generally not abundant. No native passerine bird species are known to frequent the area. The two Hawaiian raptors, the Hawaiian hawk or 'io (Buteo solitarius) and the Hawaiian owl or pueo (Asio flammeus sandwichensis) can easily be spotted in the area. The Hawaiian hawk is an endangered species, and the Puna coastal area is part of its regular habitat. No hawk nests are present on the site. The project will have little or no effect on hawk activity. Indigenous and migratory

seabirds such as the Pacific golden plover or kolea (Pluvialis fulva) also typically rest or forage on grassy areas, of which there is an abundance on the subject property. Again, the proposed use is not expected to impact such occasional use.

No listed, candidate or proposed endangered animal or plant species are found on the property. In terms of conservation value, no botanical or zoological resources requiring protection are present.

2.2 Social and Economic Setting

2.2.1 Existing Land Uses

The parcel for which access is proposed is zoned A-3a by the county and resides in the State Land Use Agricultural District. A single-family home is thus an appropriate and legal use of the property which will require no State Land Use Boundary Amendment or County Zone change. The parcel is situated amidst many other parcels with similar zoning, some of which contain houses. Immediately adjacent to the northeast is the Puna Beach Palisades subdivision, and to the southwest is Kehena Beach Estates.

2.2.2 Public Facilities

The easement will allow the property to be connected to County Road 137, which serves as the major public road for the Kehena area (see Attachment 3). This road is narrow, hilly and curvy, but traffic is generally light. Nevertheless, driveways connecting to this road have potential to negatively impact traffic safety if they are poorly placed. The location chosen for the proposed easement allows a sight distance of 320 feet in the northeast direction and 260 feet in the southwest direction (measured at car-seat height). These distances are sufficient to allow drivers approaching the easement, and to allow vehicles entering or leaving the easement, and to allow vehicles leaving the easement to enter safely onto the road.

The property is outside the service limits of the existing water system facilities of the Hawaii County Department of Water Supply (See Attachment 1). The applicant intends to install a catchment system of a size in accordance with county standards and recommendations.

Electric power to the island of Hawaii is supplied by Hawaii Electric Light Company (HELCO). Currently, no electrical lines extend into the property. HELCO is in the early planning stages on a project to bring power to the area under their Special Subdivision Project Provision program (see Attachment 1). The applicant will communicate with HELCO regarding eligibility and costs for this program at the appropriate time. The proposed easement would serve for both vehicular access and as a utility easement for electricity and telephone service.

2.3 Archaeology and Historic Sites

The site of the proposed easement contains no structures, features, artifacts or burials. The State Historic Preservation Division has expressed the opinion that the sale of the easement will have "no effect" on significant historic sites, because of the recent date (1955) of the lava substrate precludes historic sites (see Attachment 1).

PART 3: ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES

3.1 Short Term Impacts

Impacts: Short term impacts will result from bulldozing of an access road on the easement, and from construction associated with utility pole emplacement should the applicant or future property owners install utilities. The impacts will be insignificant in nature, and will consist of temporary noise and exhaust from machinery and heavy equipment. Because of the small size of the easement (approximately 1840 square feet), any disruption is likely to be less than a full 8-hour day in duration.

Mitigation: The applicant will restrict construction activity in the easement to daylight hours to the greatest extent feasible.

3.2 Long Term Impacts

No long term impacts are expected.

3.3 Permits, Approvals and Conditions

The Board of Land and Natural Resources must approve the sale of the easement. The proposed easement has already been granted an exemption from Special Management Area requirements by Hawaii County Planning (see Attachment 3).

PART 4: ALTERNATIVES

4.1 No Action

If no easement is granted to this landlocked parcel, the applicant will be denied reasonable use of his property. Such an action would involve no public benefit.

4.2 Alternative Site Locations

All other possible easement routes would entail division of one of the adjacent privately-owned residential lots, most of which contain existing residences. This alternative would represent an unreasonable burden upon the adjacent landowners.

PART 5: DETERMINATION OF NEGATIVE DECLARATION

A Draft Environmental Assessment (DEA) for the proposed action was prepared for and accepted by the Land Management Division of the Hawaii Department of Land and Natural Resources. Notice of the DEA was published in the October 23, 1993 edition of the *OEQC Bulletin*. After review and the opportunity for public comment, the agency has determined that the proposed action will not significantly alter the environment and impacts will be minimal. Therefore, the preparation of an Environmental Impact Statement is not warranted.

PART 6: PROPOSED FINDINGS AND REASONS

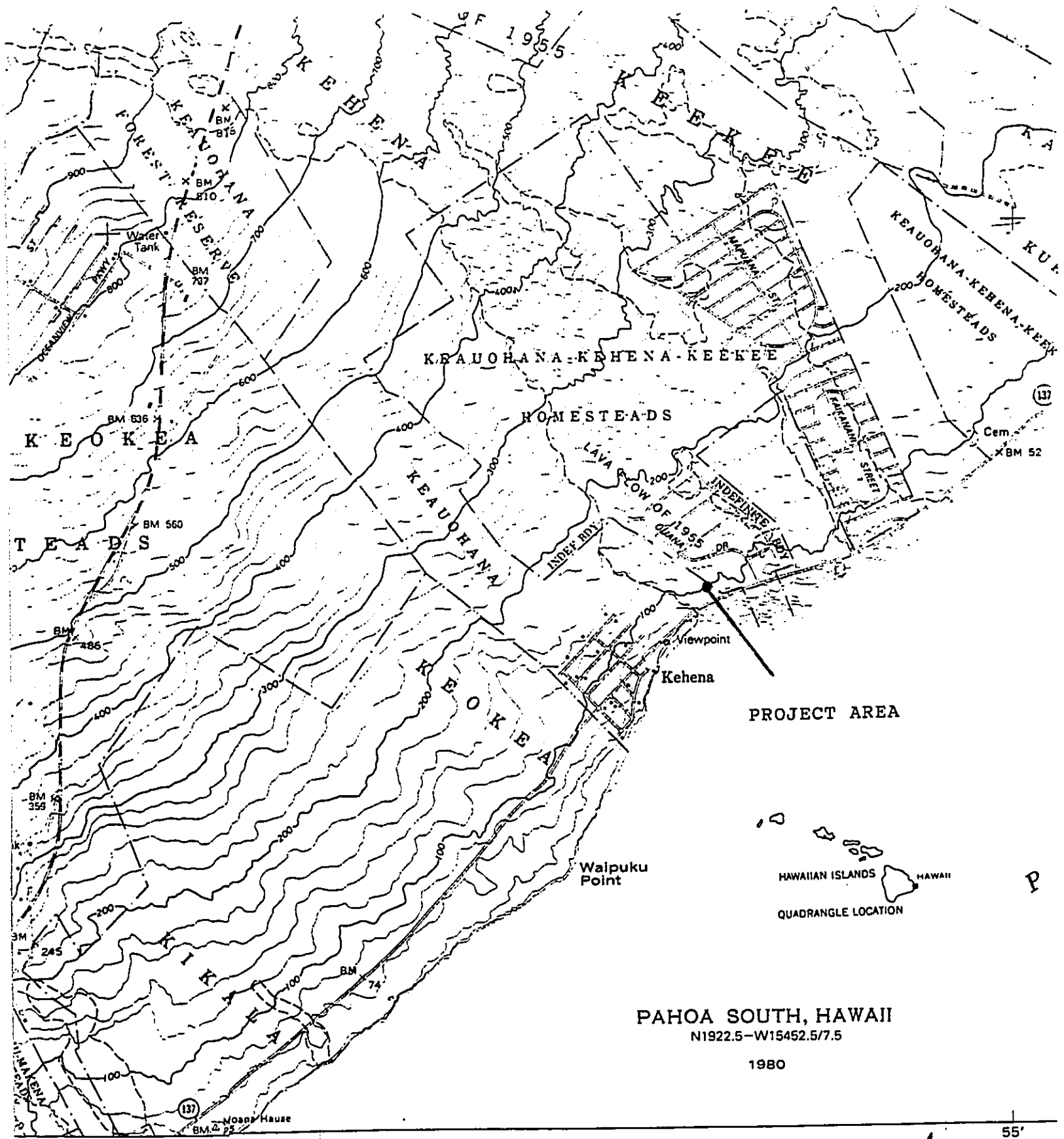
1. The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.
2. The proposed project will not curtail the range of beneficial uses of the environment.
3. The proposed project will not conflict with the State's long-term environmental policies.
4. The proposed project will not substantially affect the economic or social welfare of the community or State.
5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.
6. The proposed project will not involve a substantial degradation of environmental quality.

7. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist on the project site.
8. The proposed project will not detrimentally affect air or water quality or ambient noise levels.
9. Although the proposed project is located in an zone exposed to lava flows, there are no reasonable alternatives. The proposed action would not expose any person to unreasonable risks.

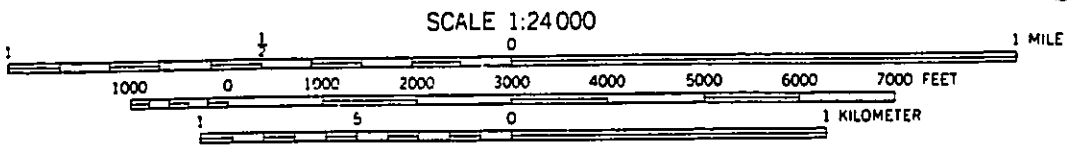
For the reasons above, the proposed project will not have any significant effect in the context of Chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.

REFERENCES

- Heliker, C. 1990. Volcanic and Seismic Hazards on the Island of Hawaii. Washington: U.S. GPO.
- Wright, T.L. et al 1992. "Map Showing Lava-flow Hazard Zones, Island of Hawaii." U.S. Geological Survey Miscellaneous Field Studies Map MF-2193. Washington, D.C.

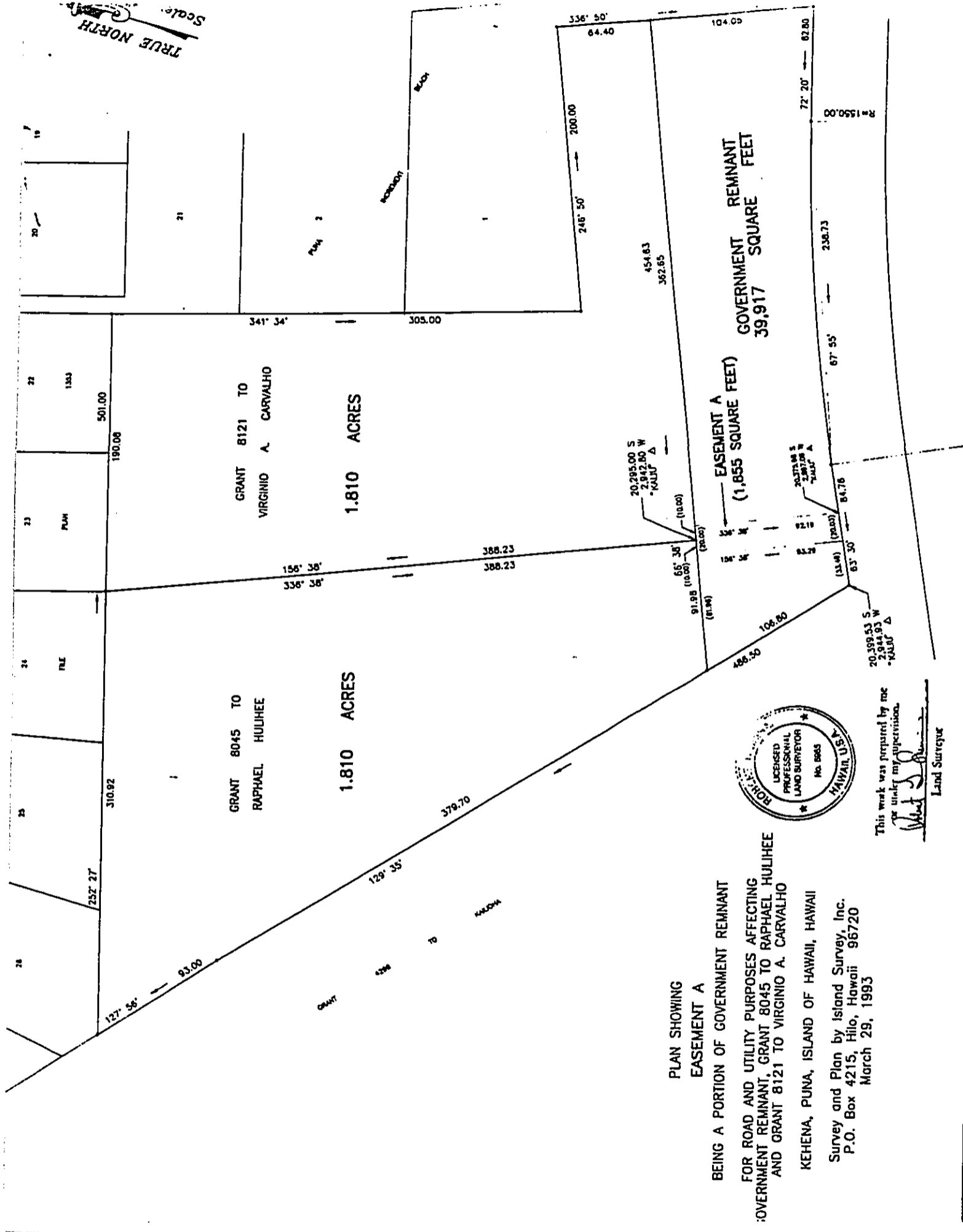


57'30" 55'



CONTOUR INTERVAL 20 FEET
 DATUM IS MEAN SEA LEVEL
 SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

Scale
TRUE NORTH



PLAN SHOWING
EASEMENT A
BEING A PORTION OF GOVERNMENT REMNANT
FOR ROAD AND UTILITY PURPOSES AFFECTING
GOVERNMENT REMNANT, GRANT 8045 TO RAPHAEL HUIJHEE
AND GRANT 8121 TO VIRGINIO A. CARVALHO
KEHENA, PUNA, ISLAND OF HAWAII, HAWAII
Survey and Plan by Island Survey, Inc.
P.O. Box 4215, Hilo, Hawaii 96720
March 29, 1993



This work was prepared by me
under my supervision.
Raphael Huijhee
Land Surveyor

1-2-033:026 and 1-2-009:021 Portion

Schwaebe,
Nicholas

RECEIVED
DIVISION OF
LAND MANAGEMENT

November 22, 1993

Nov 23 10 00 PM '93

RR 2, 12-7154 Kalapana-Kapoho Road
Pahoa, Hawaii 96778

Dept. of Land and Natural Resources
Division of Land Management
P. O. Box 936
Hilo, Hawaii 96721-0936

Attention: M r. Glenn Taguchi

Gentlemen:

As adjoining owner of Tax Map Key: 1-2-⁰⁹21, I, CLARA L. KAKALIA, hereby OBJECT the direct sale of perpetual, nonexclusive Access and Utility Easement to Applicant Nicholas Schwaebe.

The State of Hawaii has not surveyed the frontages of both of these Tax Key Maps and also the Kamelamela property on the Kalapana-Kapoho Road.

Until such time the survey has been done and you place a copy of these surveys in my hands then you will hear from.

This is also giving you NOTICE that you will be in my property upon making these surveys.

Please may I hear from you.

Sincerely Yours,

(Mrs.) CLARA L. KAKALIA
Adjoining Owner

cc: Nicholas Schaebe
Ron Terry

Ron Terry, Ph.D.
GeoMetrician Associates
HCR 9575
Keeau, Hawaii 96749
December 8, 1993

Clara Kakalia
RR 2, 12-7154 Kalapana-Kapoho Road
Pahoa, Hawaii 96778

Dear Mrs. Kakalia:

I have reviewed your letter of November 22, 1993, to Glen Taguchi of the Department of Land and Natural Resources regarding the sale of state land (a portion of TMK 1-2-33:26) for easement purposes to Nick Schwaebe. I assume that this letter is at least partially in response to the notice of Environmental Assessment published in the OEQC Bulletin of October 23 and November 8, 1993. As such, I would like to respond to your comments.

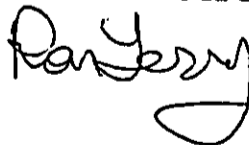
Your letter indicates two concerns. One is whether the boundary between your property (TMK 1-2-09:32) and Mr. Schwaebe's has been correctly identified during the easement review process. You also state that a survey and/or definition of the entire state remnant that lies between various properties and the Kapoho-Kalapana Road has never been undertaken.

In the scope of my responsibilities I can only address your first concern. The Department of Land and Natural Resources determined through research that a government remnant was present on Mr. Schwaebe's property. The agency located this remnant at the makai edge of the grants (please see the attached survey map). The location of the easement was then negotiated and the final route was surveyed by Island Survey, Inc., under the supervision of Robert Shirai, a licensed professional land surveyor.

As you can see from the map, the easement passes entirely through state property. It occupies 1,855 square feet (20 by 92 feet). The distance between your property and the easement varies between 33.46 feet at the minimum to 81.98 feet at the maximum.

I hope this has cleared up all your concerns about the location of the easement. In regards to your question about the Kamelamela property and other frontages, I suggest you continue your discussion with Mr. Glen Taguchi of DLNR.

Yours sincerely,



cc: Nicholas Schwaebe
Glen Taguchi