

1995-01-23-HI-FAA- Skilling Request for Access Easement Over  
and Across State Lands <sup>JAN 23 1995</sup>

**FINAL  
ENVIRONMENTAL ASSESSMENT  
FOR AN ACCESS EASEMENT  
OVER EXISTING ROADWAY**

Prepared By:

Menezes Tsukazaki Yeh & Moore  
100 Pauahi Street, Suite 204  
Hilo, Hawaii 96720  
(808) 961-0055

for

Mrs. Margot Skilling  
77-6445 Walua Road  
Kailua-Kona, Hawaii 96740

December 7, 1994

FINAL  
ENVIRONMENTAL ASSESSMENT  
FOR AN ACCESS EASEMENT OVER EXISTING ROADWAY

Applicant: Mrs. Margot Skilling  
77-6445 Walua Road  
Kailua-Kona, Hawaii 96740

Property: The property in question is an existing jeep road which provides access from Mamalahoa Highway to Okoe Bay in South Kona. From Mamalahoa, the jeep road initially crosses private land and then crosses two large parcels of State land, being TMKs:(3) 8-9-03:01 and 83. The road crosses State land for approximately three miles.

Purpose: The purpose of the requested easement is to provide access from Mamalahoa Highway to a kuleana (TMK:(3)8-9-03:02) situate at Okoe Bay. On January 14, 1994, the Board of Land and Natural Resources approved a Conservation District Use Application (HA-3/23/93-2638) to construct a single-family dwelling on the kuleana. As a condition of approval of this permit, the applicant is required to obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources, for the use of the roadway.

Approving Agency:

HRS §171-13(2) authorizes the Board of Land and Natural Resources to grant easements over State land for particular purposes in perpetuity. The Department of Land and Natural Resources is the appropriate accepting authority of the Environmental Assessment, since it is the agency with the greatest responsibility for supervising the action as a whole, it can most adequately fulfill the requirements of HRS Chapter 343, and it has special expertise and access to information.

Agency Consultation:

The following organizations were consulted during the preparation of the Environmental Assessment submitted with the CDUA referenced above:

United States Government  
Department of Interior  
Fish and Wildlife Services

State of Hawaii  
Department of Land and Natural Resources  
Land Management Division  
State Parks Division  
Historic Preservation Division  
Department of Health  
Environmental Management  
Office of Hawaiian Affairs  
University of Hawaii  
Environmental Center

County of Hawaii  
Planning Department

Private Organizations  
American Lung Association

Specific comments relative to the use of the road were submitted by the Division of Aquatic Resources, Division of Forestry and Wildlife, and the Division of Land Management of the Department of Land and Natural Resources. (Copies of these comments are collectively attached as Exhibit "A"). Essentially, the main concerns were that existing traditional and historic access to the shoreline for fishing and other recreational uses be maintained, that the jeep road and Okoe Trail not be impeded or altered in any way, and that environmental and cultural concerns be addressed.

Technical, Economic, Social and Environmental Characteristics:

1. Technical: The easement is requested over an existing four-wheel drive jeep road. No new construction is involved. The existing width and alignment of the road will not be altered.
2. Economic: There is no significant economic impact or effect of the proposed easement.
3. Social: The road provides access to Honomalino Bay and Okoe Bay. These areas are used for recreational purposes such as camping and fishing. There are also several private beach cottages at Honomalino Bay that are accessed by way of the road. The applicant's use of the easement will not interfere or conflict with these uses. The use will be limited to providing access to only one residential property, which will be occasional rather than a full-time daily use.
4. Environmental: The road has been utilized for many years as a means of access to the Honomalino and Okoe shoreline areas. An easement for this purpose will not involve any alteration of the existing environment.

Description of the Affected Environment:

1. Location: The road provides access from Mamalahoa Highway (State Highway 11) to Honomalino Bay and Okoe Bay. From Mamalahoa Highway, the road initially descends in a mauka to makai direction, first crossing private property and then crossing two large parcels of State land, being TMKs:(3)8-9-03:01 and 83, for approximately three miles. The applicant is in the process of obtaining easements from the private land owners.

The more mauka State parcel, TMK:(3)8-9-03:83, comprises 500 acres and is currently utilized for cattle grazing, under Revocable Permit No. S-6489 granted to Dillingham Partners, a Hawaii limited partnership. TMK:(3)8-9-03:01 comprises approximately 952 acres and encompasses the shoreline areas from Honomalino to Okoe Bays. The majority of this parcel is a'a.

The road descends in a mauka-makai direction until it intersects with a jeep road which runs in a north-south direction along the coastline. This intersection occurs near Honomalino Bay. To assist in locating the jeep road, attached as Exhibit "B" are Tax Maps 8-9-02 and 8-8-03 with an approximate reference to the road's location highlighted. Also attached as Exhibit "C" is a portion of USGS Map (Milolii Quadrangle) and seven photographs which depict the jeep road at various locations. Finally, submitted separately is a survey map of the jeep road where it crosses State land prepared by Island Survey, Inc.

2. Vegetation: The mauka two-thirds of the jeep road traverses vegetated country while the lower third is on an a'a flow. The vegetation is dominated by kiawe (Prosopis pallida), lantana (Lantana camara) and koa haole (Leucaena glauca). The vegetated areas on either side of the road bear the marks of extensive grazing by cattle. Introduced grasses/weeds such as natal grass (Tricholaena rosea) make up the ground cover for the mauka portion of the road. At Okoe Bay, there is also a stand of large kiawe, with an understory of lantana, koa haole, hau (Hibiscus tiliaceus) and a few individuals of kou (Cordia subcordata) and noni (Morinda citrifolia).

3. Fauna: During a drive-through inspection on March 11, 1994, no birds or other animals were seen while traversing the subject State property, though cardinals, plover, francolin and a cockatoo were seen while approaching the State property from the east (mauka). Domestic and wild cattle, feral goats and pigs roam the State property and have been seen as far makai as Okoe Bay. However, no live cattle, goats or pigs were seen during the inspection.

4. Cultural Resources: An archaeological reconnaissance was conducted along the jeep road on August 23, 1993 by William Barrera, Jr. of Comstock Cultural Resource Management, Inc. Mr. Barrera reported that the road is devoid of archaeological or historic sites until it intersects with the lateral shoreline jeep road. From that point to Okoe Bay, a number of historic trails run parallel to and cross over the jeep road. Where the jeep road turns off to Okoe Bay, Mr. Barrera observed a terrace or platform measuring four or five meters on a side adjacent to the roadway, and he also noted a 2x2 meter rock mound 100 meters inland of the kiawe stand at the bay. There is also a historic period brackish water well at the beach at Okoe Bay adjacent to the road. Mr. Barrera concludes that none of the sites he located would be endangered by the continued use of the road. (See Exhibit "D").

5. Adjacent Land Uses: The road is situated within an isolated section of South Kona that is undeveloped with very little human activity for several miles. One of the State parcels, TMK:(3)8-9-03:83, is used for raising cattle. The closest dwelling on the coastline is a private beach cottage situate on the north end of Kapua Bay, approximately 3,000 feet to the south (TMK:(3)8-9-6:5, CDUA File No. HA-2186). There are also several private beach cottages at Honomalino Bay to the north. The beach and shoreline at Okoe Bay is also utilized for recreational purposes.

Summary of Major Impacts:

The proposed easement is anticipated to have neither major adverse environmental impacts nor significant adverse environmental effects, as described in Section 11-200-12, Environmental Impact Statement Rules.

Alternatives:

An alternative is to obtain access to the kuleana over a different route. The only other existing jeep road which could provide such access is situate to the south of the subject road and provides access to Kapua Bay. However, from Mamalahoa Highway to Kapua Bay this road crosses private property, and the owner of this property has indicated it is not willing to grant the applicant an easement. Once reaching Kapua Bay, this road also intersects with the lateral shoreline jeep road. To get to Okoe Bay from Kapua Bay along the shoreline road, it is necessary to cross State land (TMK:(3)8-9-03:01). As such, an easement from the State would still be needed if this alternate route was available.

Proposed Mitigation Measures:

To avoid any potential harm to the surrounding environment and resources, any use of the road should be restricted to its existing alignment. Care should also be taken to not allow any littering nor any release of motor oil or gasoline along the road.

Determination:

Based on the foregoing information, it is determined that the proposed easement over the subject property will not have a significant effect on the environment. It is determined that a Negative Declaration be issued for the proposed action and that the preparation of an Environmental Impact Statement is not required.

Findings and Reasons Supporting Determination:

The applicant does not intend to alter the existing alignment of the road and will not be disturbing any virgin territory. There will be no significant adverse economic or social impacts from the proposed use since it will be limited to providing access to only one residence and the use will be on an occasional basis.

The subject property does not serve as habitat for any rare or endangered plant or animal species. As such, the proposed easement will not have any adverse impact on any flora or fauna listed for protected status by the Environmental Protection Agency (EPA).

As long as there is no realignment of the road and use is limited to the existing width, the limited additional use of the road which would be allowed by the granting of the subject easement is not anticipated to endanger any cultural resources or archaeological sites adjacent to the road.

DOCUMENT CAPTURED AS RECEIVED

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Environmental Affairs  
Honolulu, Hawaii

*Thurs  
4/29*

DIVISION OF AQUATIC RESOURCES	
<input checked="" type="checkbox"/>	Director
<input checked="" type="checkbox"/>	Assistant Director
<input checked="" type="checkbox"/>	Chief of Staff
<input checked="" type="checkbox"/>	Administrative Services
<input checked="" type="checkbox"/>	Conservation & Planning
<input checked="" type="checkbox"/>	Education & Public Affairs
<input checked="" type="checkbox"/>	Finance & Administration
<input checked="" type="checkbox"/>	Information Systems
<input checked="" type="checkbox"/>	Legal Services
<input checked="" type="checkbox"/>	Operations & Maintenance
<input checked="" type="checkbox"/>	Records Management
<input checked="" type="checkbox"/>	Training & Development
<input checked="" type="checkbox"/>	Public Works
<input checked="" type="checkbox"/>	Research & Planning
<input checked="" type="checkbox"/>	Special Projects
<input checked="" type="checkbox"/>	Technical Services
<input checked="" type="checkbox"/>	Utilities
<input checked="" type="checkbox"/>	Other

FILE NO.: HA-3/23/93-2638  
180-Day Exp. Date: 9/19/93  
SUSPENSE DATE: 21 Days  
DOCUMENT NO.: 2521

APR 7 1993

*RS*

RECEIVED  
APR 7 1993

MEMORANDUM

TO: Aquatic Resources; Boating and Ocean Recreation; Conservation & Resources Enforcement; Forestry & Wildlife; Historic Preservation; Land Management; Natural Area Reserves System; State Parks; Water Resource Management

FROM: *Edward E. Henry*  
Edward E. Henry, Acting Administrator  
Office of Conservation and Environmental Affairs

SUBJECT: REQUEST FOR COMMENTS  
Conservation District Use Application

APPLICANT: Ms. Margot Skilling

FILE NO.: HA-3/23/93-2638

REQUEST: Single Family Residence

LOCATION: Okoe, South Kona, Hawaii

TMK(s): 8-9-3: 02

PUBLIC HEARING: YES \_\_\_\_\_ NO X

Div. of Aquatic Resources

DOCARE: Please conduct a field inspection on this project. Should you require additional information, please call Roy Schaefer at 7-0383. Please note this is a three-page form. Page 2 is to be limited to your factual responses. Page 3 is to be used for comment and recommendation. Page 3 is not available for public review.\* (\*Refer to OIP Memorandum dated July 18, 1991 to Board of Land and Natural Resources.)

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

Attachment(s)

*See attached  
to Terry M. Skilling  
4/28/93*

EXHIBIT

"A"

State of Hawaii  
Department of Land and Natural Resources  
DIVISION OF AQUATIC RESOURCES

Date: April 28, 1993

TO: Paul Kawamoto, Aquatic Resources & Environmental Protection  
FROM: ~~26~~ Richard Sixberry, Aquatic Biologist  
SUBJECT: Comments on Conservation District Use Permit, HA-2638

Comment Requested by Edward E. Henry, Acting Administrator  
OCEA Date of Request 04/07/93 Date Rec'd. 04/07/93

Summary of Proposed Project

Title: Single Family Residence  
Project by: Ms. Margot Skilling  
Location: Okoe, [S. Kona] Hawaii

Brief Description:

The applicant proposes to build a vacation home over the slightly sloping terrain of a shoreline parcel at Okoe Bay, Hawaii. The dwelling would be a single-story, two bedroom, one bath, with an exterior covered Lanai.

Comments:

The planned vacation residence is not expected to significantly impact aquatic resource values.

Existing traditional and historical access to the shoreline via the unimproved jeep road should be maintained for fishing and other recreational uses.

Finally, precautions should be taken to prevent construction materials, petroleum products, wastes, debris, eroded soil and other contaminants from entering coastal waters.



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*Ocea*

Department of Land and Natural Resources  
Division of Forestry and Wildlife

MEMORANDUM

April 27, 1993

TO: Ed Henry, OCEA

FROM: Michael G. Buck, Administrator

*M. Buck*

SUBJECT: Single Family Residence, Okoe, South Kona  
File No. HA-2638

*RS*

We have reviewed HA-2638 and have the following comments:

- 1) Information pertinent to access is vague. Is access over the rough jeep road which crosses state lands within the Conservation District included in the application, or has it been determined to be an existing/permitted use?
- 2) While we lament the effects of this project on the ambience of the area, we have no serious objections to the single family residential construction as long as the Okoe trail and jeep trail are not impeded or altered in any way.
- 3) With reference to Area Plan (Page 6), the State Parks Administrator is quoted as stating "We support the single story design of the structure." We take it that this means he supports the proposed single family dwelling in the area.
- 4) If the park feasibility study being conducted for the area will be completed within a reasonable time, it may be prudent to withhold determination on this application until it is finished.

cc: Hawaii Branch  
C. Meller (NAH)

HAWAII  
OCEA

APR 29 1993  
10:29

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APR 8 1 40 PM '93

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Environmental Affairs  
Honolulu, Hawaii

FILE NO.: HA-3/23/93-2638  
180-Day Exp. Date: 9/19/93  
SUSPENSE DATE: 21 Days  
DOCUMENT NO.: 2521

APR 7 1993

RS

MEMORANDUM

TO: [Handwritten initials]  
FROM: [Handwritten initials]

Aquatic Resources; Boating and Ocean Recreation;  
Conservation & Resources Enforcement; Forestry &  
Wildlife; Historic Preservation; Land Management;  
Natural Area Reserves System; State Parks; Water  
Resource Management

Edward E. Henry, Acting Administrator  
Office of Conservation and Environmental Affairs

SUBJECT: REQUEST FOR COMMENTS  
Conservation District Use Application

APPLICANT: Ms. Margot Skilling

FILE NO.: HA-3/23/93-2638

REQUEST: Single Family Residence

LOCATION: Okoe, South Kona, Hawaii

TMK(s): 8-9-3: 02

PUBLIC HEARING: YES \_\_\_\_\_ NO X

DOCARE: Please conduct a field inspection on this project.  
Should you require additional information, please call Roy  
Schaefer at 7-0383. Please note this is a three-page form. Page  
2 is to be limited to your factual responses. Page 3 is to be  
used for comment and recommendation. Page 3 is not available for  
public review.\* (\*Refer to OIP Memorandum dated July 18, 1991 to  
Board of Land and Natural Resources.)

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

Attachment(s)

4/26/93 by: Hello atest  
(no E.A.)

File No. HA-3/23/93-2638Date: April 21, 1993Comment and Recommendation

The subject privately-owned property, identified by Tax Map Key: 3rd Div./8-9-03:2 is supposedly accessed by a jeep road from the Mamalahoa Highway. Land Management Division staff is uncertain as to this jeep road's location and route from the main highway to the subject property.

A State-owned parcel (unencumbered), identified by Tax Map Key: 3rd Div./8-9-03:1, containing a land area of approximately 958.140 acres, completely surrounds the subject property. Hence, the jeep road traverses this State-owned property and may most likely cross other State-owned parcels in its route from the Mamalahoa Highway.

Land Management Division recommends:

1. That the applicant provide further information concerning the route and location of the jeep road from the Mamalahoa Highway to the subject parcel.
2. That the question of legal vehicular access from the main highway to the subject property be addressed before the Land Board considers the issuance of a conservation district use permit for this project

Signature: 

JOHN WAHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
P.O. BOX 821  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT PROGRAM  
AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS  
CONSERVATION AND RESOURCES ENFORCEMENT CONVEYANCES  
FORESTRY AND WILDLIFE HISTORIC PRESERVATION PROGRAM  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

JUN 30 1993

MEMORANDUM:

TO: OFFICE OF CONSERVATION AND ENVIRONMENTAL AFFAIRS  
FROM: LAND MANAGEMENT *WNY*  
SUBJECT: CDUA HA-2638 AT OKOE BAY, SOUTH KONA, HAWAII (TMK 8-9-3:2)

This is a follow-up to your memo of June 14, 1993 regarding the subject CDUA.

We have reviewed the information provided and found that the subject property does qualify as a kuleana as defined in your regulations.

Be advised, however, that the subject property lacks legal access to Mamalahoa Highway. The applicant indicates that access to the property is via jeep trail and other trails. Please advise the applicant that if they would like to secure legal access to their kuleana property, they will need to provide a survey map of the access easement alignment that crosses state lands. The alignment of this easement must also consider any environmental and/or cultural (Historic Site) concerns (compliance with 343 HRS). If the alignment is acceptable, an easement will be issued to them at no charge (gratis) however, they will need to pay for the survey (their own private surveyor) and document fees. You may want to consolidate the access easement request with the CDUA that you are currently processing.

Should you have any questions regarding this matter, please feel free to contact us at 587-0414.

cc: Mr. Yuen  
Glen Abe  
Glen Taguchi-HDLO

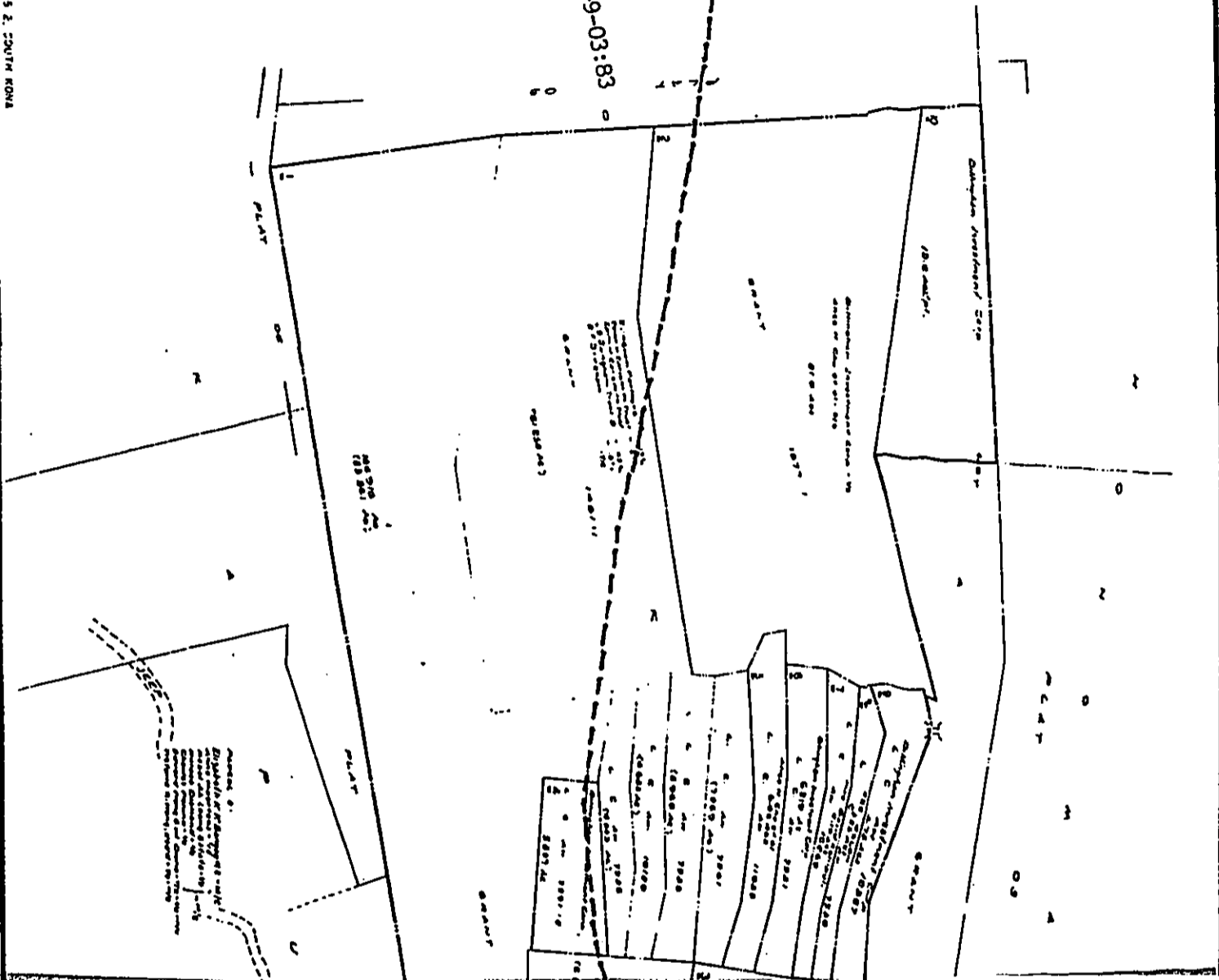
Post-It™ brand fax transmittal memo 7671		# of pages
To <i>Mike Moore</i>	From <i>Roy Schaefer</i>	
Co.	Co. <i>DLNR-OCEA</i>	
Dept.	Phone # <i>587-0583</i>	
Fax # <i>969-1531</i>	Fax # <i>587-0390</i>	

RECEIVED

1/4 SEC. 36, T. 2 N., R. 2 E., S. 21 W., MONTANA

BEAR RIVER, MONTANA  
PLAT 100  
D. H. BROWN, JR.  
PLAT 100  
D. H. BROWN, JR.

MARK: 8-9-03:83



BEAR RIVER  
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 D. H. BROWN, JR.  
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 D. H. BROWN, JR.

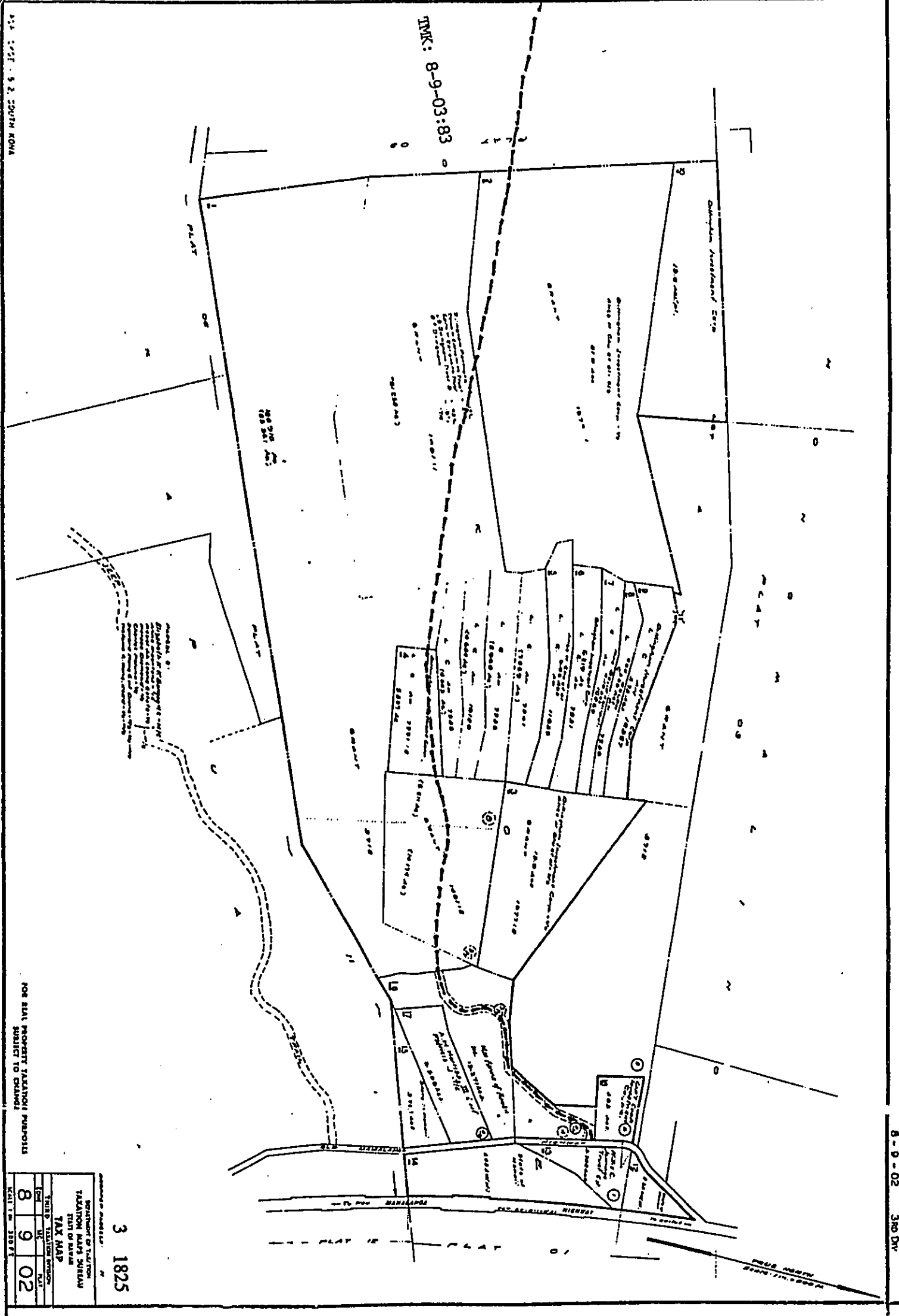
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BEAR RIVER  
 PLAT 100  
 D. H. BROWN, JR.  
 PLAT 100  
 D. H. BROWN, JR.

# **CORRECTION**

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING

PLATE 100  
 DATE 1983



TRK: 8-9-03:83

PLAT 100 - S. 2. SOUTH KONA

FOR REAL PROPERTY TAXATION PURPOSES  
 SUBJECT TO CHANGE

TAX MAP			
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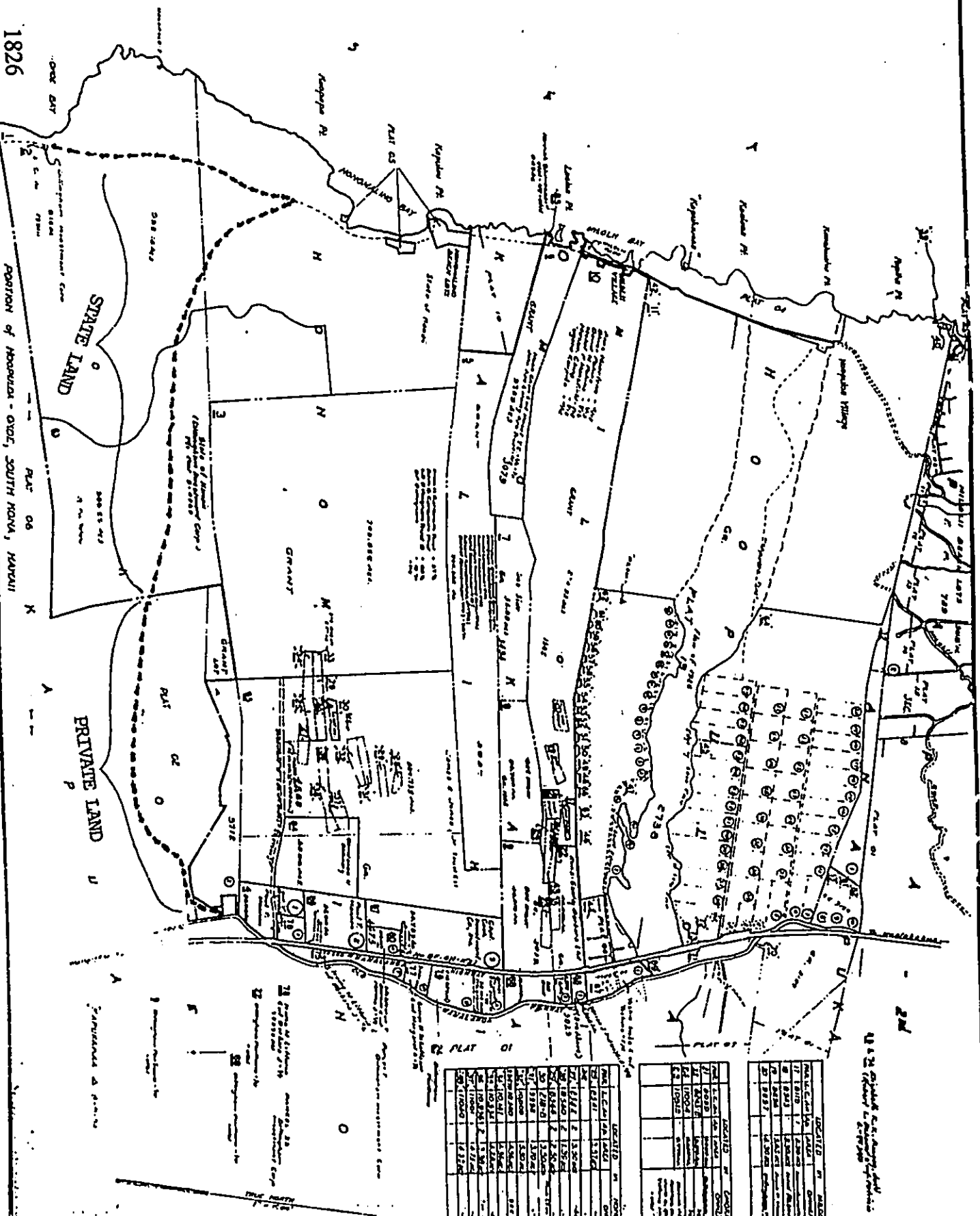
3 1825

8-9-02 3RD DIV

EXHIBIT "B"

1826  
 Source: U.S. Army, 1826  
 By: L.H.M. - S.C.G. - June, 1926

3 1826



PORTION OF HONOLULU - OAHU, SOUTH KONA, HAWAII

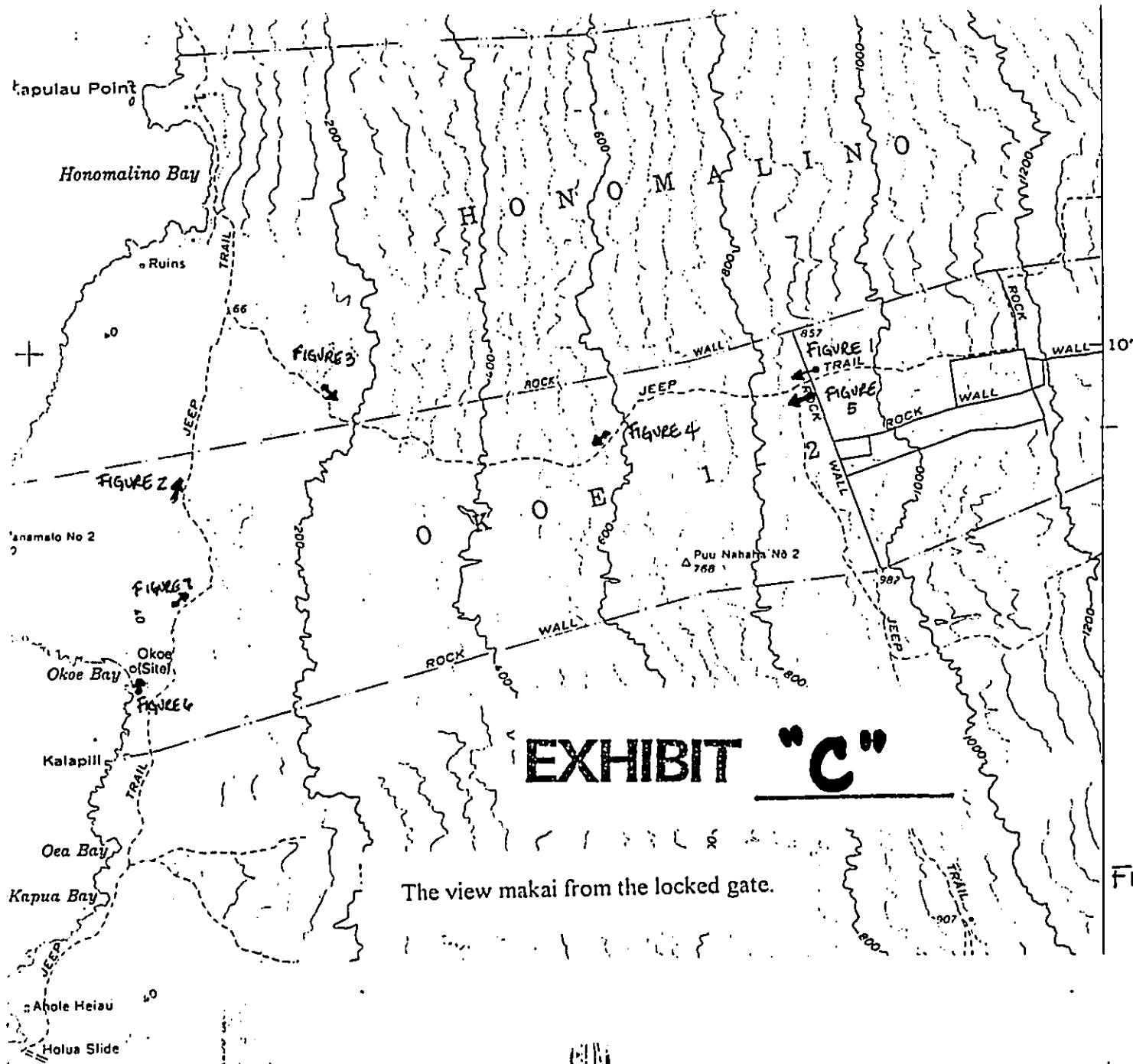
STATE LAND

PRIVATE LAND

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Engineering Section  
 THIRD DIVISION  
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 CONTAINING PARCELS  
 SCALE: 1"=100 FT.

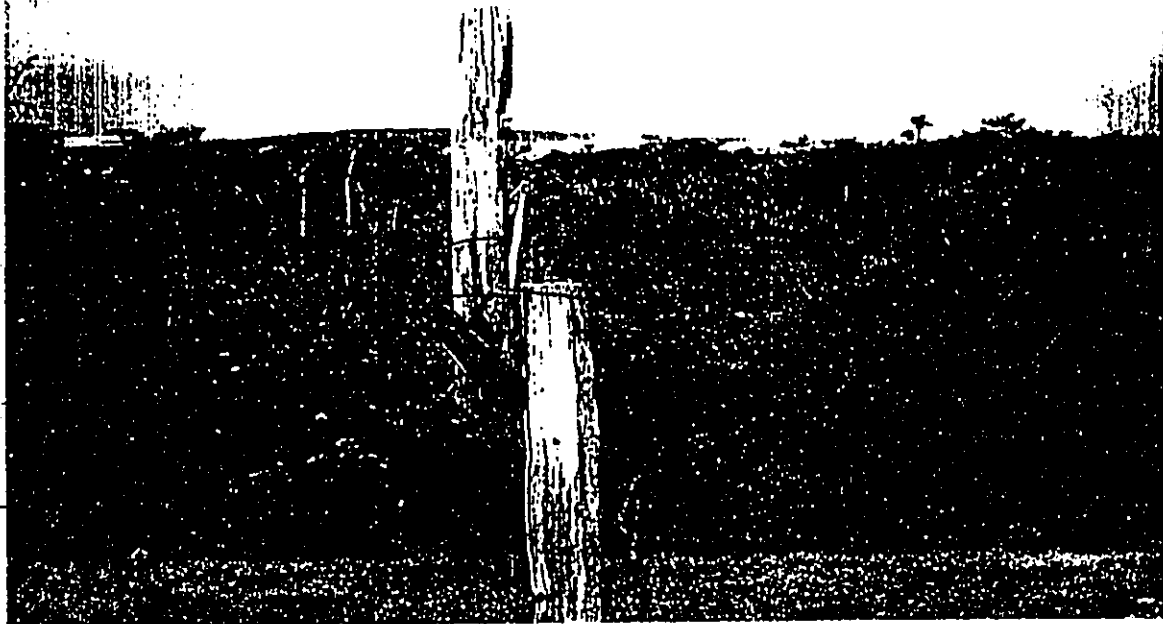




# EXHIBIT "C"

The view makai from the locked gate.

FIGURE 1.



2118000m. N.

19°07'30"  
2'30"

(FOHUE P



Figure 2. The view NE from the makai road

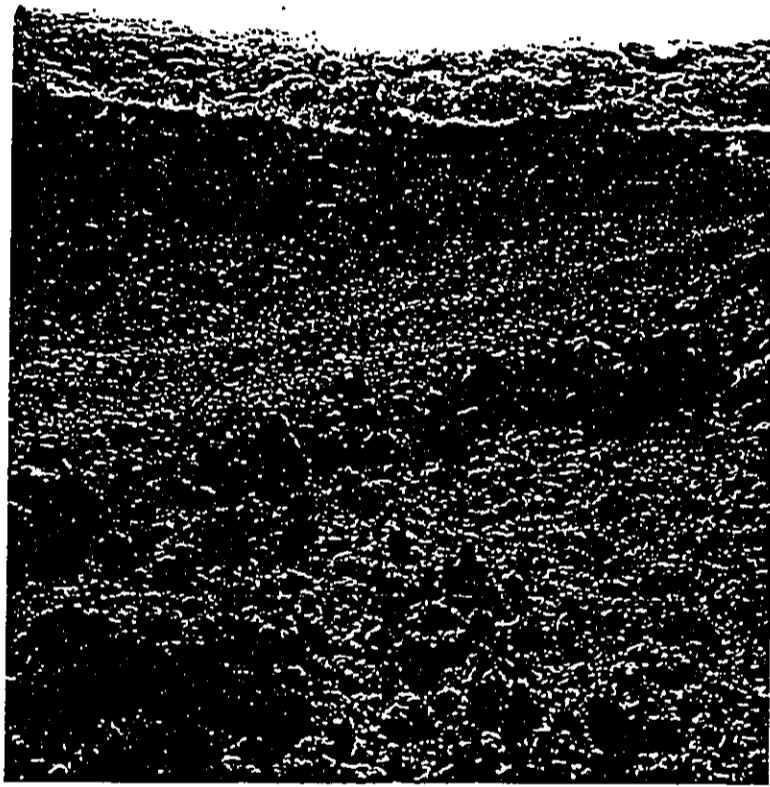


Figure 3. The view mauka including Puu Nahaha.



Figure 4. Kiawe with grazed haole koa.



Figure 5. Haole koa, grasses and weeds.



Figure 6. Okoe Bay shore. View north from NW property line to end of marked roadway.



Figure 7. View north along Old Hawaiian Trail and portion of shoreline road.

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**COMSTOCK CULTURAL RESOURCE MANAGEMENT, INC.**

*Archaeological Consulting*  
65-1158 Mamalaha Highway  
P. O. Box 111333, Suite 233  
Kamuela, Hawaii 96743-0050  
(808) 885 7262  
FAX: 885 7262

August 25, 1993

Mr. Michael Moore  
100 Pauahi Street, Suite 204  
Hilo, Hawaii 96720

Dear Mr. Moore:

**Subject: Okoe Bay, Archaeological Reconnaissance of Jeep Road  
Access Across State Land**

On Tuesday, August 23, 1993, I conducted an archaeological reconnaissance along approximately 3.0 miles of an existing jeep road that crosses State of Hawaii land between Dillingham property on the east and Okoe Bay on the west. The purpose of the work was to identify sensitive areas of archaeological or historic interest adjacent to this road. The task was accomplished by driving along the jeep road and observing its edges from the vehicle. The south and east sides of the road were observed on the trip down to the coast, and the north and west sides were observed on the way back up.

The jeep road is devoid of archaeological or historic sites from the Dillingham property gate to the point where it intersects the north-south coastal jeep road. From this point south to Okoe Bay a number of historic trails were seen parallel to as well as intersecting the jeep road. In the northwest angle formed by the turnoff to Okoe Bay there is a terrace or platform measuring four or five meters on a side immediately adjacent to the jeep road. On the north side of the jeep road, approximately 100 meters inland of the kiawe trees, is a rock mound measuring about 2 by 2 meters and standing to a height of 0.8 meter.

None of the sites located would be endangered by continuation of the present use of the jeep road by four wheel drive vehicles.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

  
William Barrera, Jr.  
President

**EXHIBIT "D"**

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AUG 26 1993