

4043

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

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

RECEIVED

SEP 19 12:47

SEP 18 1995

Ref.: LM-UW

Refer to: MA-853

Mr. Gary Gill, Director
Office of Environmental Quality Control
220 South King Street
4th Floor
Honolulu, Hawaii 96813

Dear Mr. Gill:

Subject: Negative Declaration for Mr. Dave Creekmore, et al
for an Access Easement Over State Lands, Tax Map
Key: 2-2-04: por. 66, Waiohuli-Keokea, Kula,
Makawao, Maui.

The Department of Land and Natural Resources, Division of Land Management has reviewed the comments received during the 30-day public comment period which began on June 23, 1995. The agency has determined that this project will not have a significant environmental effect and has issued a negative declaration. Please publish this notice in your next scheduled OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the Final Environmental Assessment. Please contact Ms. Ulalia Woodside at 587-0414 if you may have any questions.

Aloha,

Robert S. Coloma-Agana
for MICHAEL D. WILSON

Encls.

cc: Maui District Land Board Member
Maui District Land Office

127

1995-10-08-MA-FEA-Creekmore Request for an access Easement
over state lands

OCT 8 1995

FILE COPY

FINAL

ENVIRONMENTAL ASSESSMENT

Prepared By:
Dave Creekmore
RR 2 Box 112
Kula, Hawaii 96790
Phone: (808) 876-0028

ENVIRONMENTAL ASSESSMENT

This application is submitted to the Department of Land and Natural Resources for an access easement across state-owned land.

Subject Parcel:

50,000 square feet of state-owned land, which is a portion of a larger parcel identified as TK-2-2-04-66, located in Keokea, Maui and adjacent to Waiohuli-Keokea Homesteads southern boundary. Zoning on subject parcel is State Land Use Agricultural (see Exhibit "D").

Applicants:

Sellers: Steven and Carol Franco and Norman and Patricia Diego.

Buyers: Myles Osterneck, Alan Grodzinsky, John Papazian and Dave Creekmore, owners of parcel identified as TK-2-2-04-41,42,43,13,44, of which the southwest corner adjoins the subject parcel. For questions concerning this Environmental Assessment, contact Dave Creekmore, RR 2, Box 112, Kula, Hawaii 9679068, phone (808) 876-0028.

Approving Agency:

Department of Land and Natural Resources.

Agencies Consulted:

1. Land Use and Codes Division of the Department of Public Works.
2. Department of Land and Natural Resources - Land Management.
3. Department of Land and Natural Resources - Historic Preservation Division.
4. Maui County Planning Office.

Existing Site Condition:

The proposed easement is a portion of government land owned by the state of Hawaii upon which no man-made structure has ever been erected. The proposed easement is for an access roadway 40 feet wide and 1250 feet long (on the state land portion), extending from the existing Maui Farm and Sanitarium Road off of Cross Road to parcels TK-2-2-04-41,42,43,13,44. The area of the access slopes upwards from the end of the farm road to the parcels, gaining approximately 150 feet in elevation. There is one relatively steep section that will require one traverse of, at most, 100 feet over and 100 feet back to the edge of the state land. This traverse will also accommodate a safe distance from a burial site discovered in a lava tube near the area of the proposed access (See Exhibit C). There are no rare or native plants in the path of the proposed access. The area of the proposed access is pasture (grass). There are no trees or shrubs in the area.

The General Description:

1. To provide a legal access to the applicants property, which is now landlocked, which in turn will allow applicants to apply for loans, permits and insurance.
2. To provide an access to landlocked property without adverse effects to the natural topography.

Summary Description:

To grade an access road following a survey, so that applicants property TK-2-2-04-41,42,43,13,44 will be accessible. The grading will be done professionally and from a perspective of erosion control. By this, we mean a traverse of the only steep section. Also, the repropagation of the existing grass immediately following the grading process. Tree planting will be done where the topography dictates. For example, on the traverse it would be wise to propagate a few trees located to stabilize against erosion.

Governmental Agencies Comments:

1. County of Maui - Department of Public Works

In a letter dated April 14, 1995, Mr. Charles Jencks, Director of Public Works, commented as follows regarding the applicants proposed roadway easement:

"A 40-foot right of way will be required for the subject roadway, improved to agricultural standards. The easement will be subdivided out through the subdivision process to ensure long term access rights. If there is any grading activity associated with the road which exceeds that provided within Title 20 of the Maui County Code, you will be required to apply for a grading permit to improve the subject road."

There is no opposition to the proposed easement in Mr. Jencks' letter. The applicants will comply with all provisions of the Maui County Code that pertain to this access.

2. Department of Land and Natural Resources - Division of Land Management

No opposition to proposed access across state land. An existing lease of said land is held by Mr. Charles Ota for pasture purposes. Mr. Ota is agreeable to proposed roadway location.

3. Department of Land and Natural Resources - State Historic Preservation Division

In a letter from Mr. Don Hibbard, Administrator of the State Historic Preservation Division, dated April 6, 1995, the proposed easement was commented on as follows:

"Based on the findings of the field inspection, it appears that historic sites are present in the general vicinity of the proposed road corridor. We recommend that the corridor be aligned so as to avoid the stone terraces, the known burial site, and the sinkhole features. We request that our office is notified at such time that the corridor centerline has been surveyed and staked."

The applicants will comply with all requests from the Historic Preservation Division.

4. Maui County Planning Office

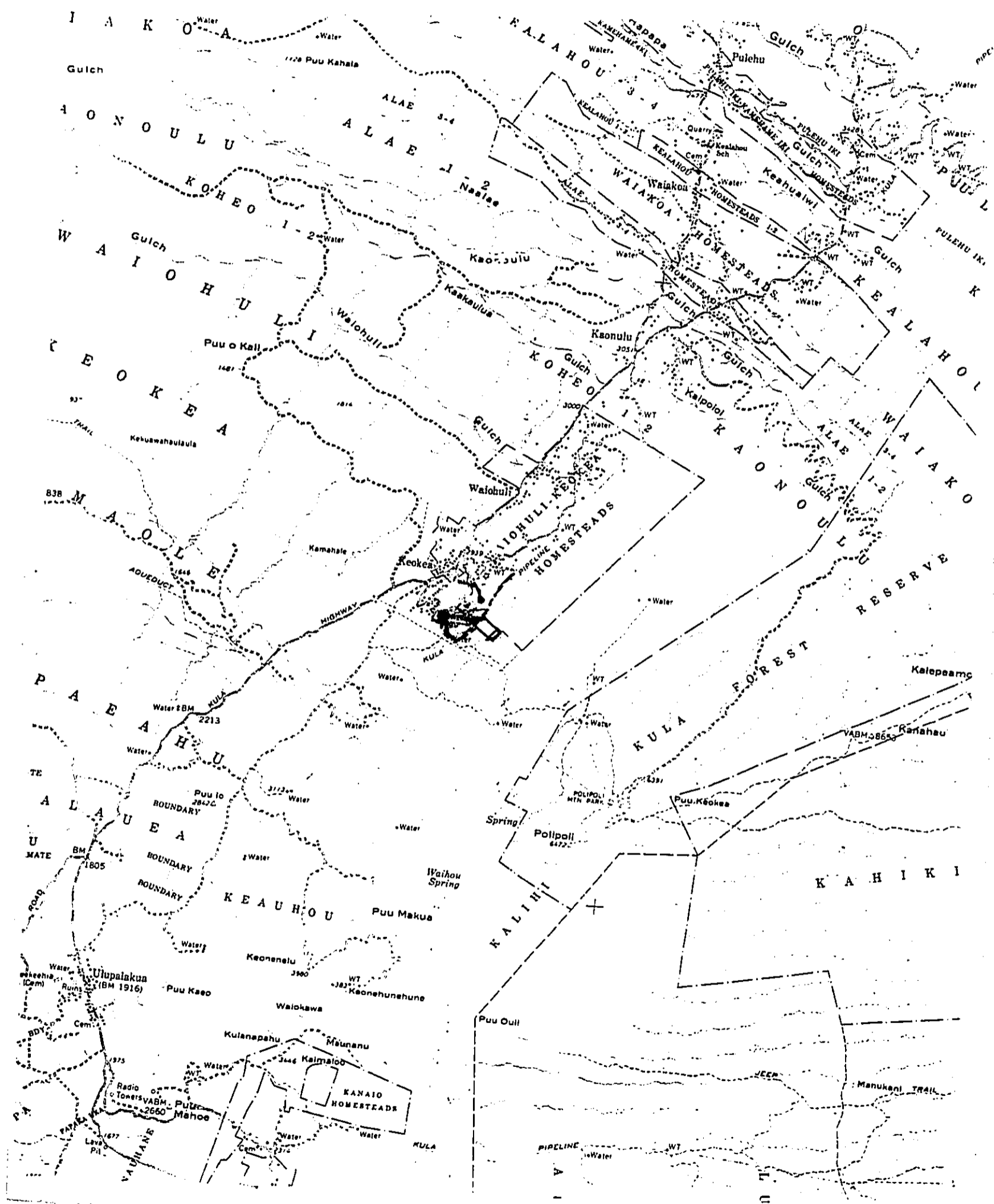
In a letter dated July 12, 1995, Gwen Ohashi - Acting Planning Director states, "That the subject access easement is not located within the Special Management Area boundaries. In addition, said easement would not require a Land Use Commission Special Use Permit."

Determination:

Because of the proposed use and the comments from the above agencies, the applicants see no negative environmental impact on the state-owned land or surrounding lands.

Supplemental Documents:

1. Letters from government agencies asked to comment on the proposed easement - Exhibits "A", "B", "C" and "D".
2. Letters to and from involved citizens, title company and Ms. Woodside - Exhibits "E", "F", "G", "H", "I", "J", "K" and "L".
3. TK-2-2-04 with proposed access shown, as well as historic sites.



LINDA CROCKETT LINGLE
Mayor
GEORGE N. KAYA
Director
CHARLES JENCKS
Deputy Director
AARON SHINMOTO, P.E.
Chief Staff Engineer



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration
EASSIE MILLER, P.E.
Wastewater Reclamation Division
LLOYD P.C.W. LEE, P.E.
Engineering Division
DAVID WISSMAR, P.E.
Solid Waste Division
BRIAN HASHIRO, P.E.
Highways Division

Mr. John David Creekmore
526 B Olinda Road
Makawao, Hawaii 96768

(EXHIBIT A)

Dear Mr. Creekmore:

Subject: REQUEST TO RELOCATE A 20-FOOT ROADWAY ON STATE
LANDS, TMK: 2-2-04:PORTION 66

The Department of Public Works and Waste Management has reviewed your letter from the State Department of Land and Natural Resources from Mr. Philip Ohta with regard to the above relocation. This department feels that the relocation is appropriate since it more correctly provides access through properties without encumbering larger pieces of land and would like the following accomplished as a part of that relocation:

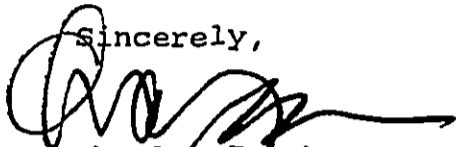
1. A 40-foot right of way will be required for the subject roadway, improved to agricultural standards.
2. The easement will be subdivided out through the subdivision process to ensure long term access rights for the subject lands served by the relocated road.
3. If there is any grading activity associated with the road which exceeds that provided within Title 20 of the Maui County Code, you will be required to apply for a grading permit to improve the subject road.

Mr. Creekmore, should you have any questions with regard to this letter, I suggest you contact Mr. Glen Ueno in the Land Use and Codes division of this department for further information. I might add that this department recently modified the subdivision code to allow for expedited processing of easements which will benefit you in this case. Your discussions with Glen should focus on the process procedure, documents needed and timing.



Please call Glen at 243-7373 if you have any questions or me 243-7845 to discuss this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Jencks', with a long horizontal flourish extending to the right.

Charles Jencks
Director of Public Works
and Waste Management

CC:Glen Uno

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
54 SOUTH HIGH STREET, ROOM 101
WAILUKU, HAWAII 96793-2198

March 7, 1995

MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
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HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT
WATER RESOURCE MANAGEMENT

Mr. John David Creekmore
526 B Olinda Road
Makawao, Maui, Hawaii 96768

EXHIBIT B

Dear Mr. Creekmore:

Subject: Request to Relocate a 20 Ft. Roadway on State Lands
Identified by Tax Map Key: 2-2-04:
Portion 66, Waiohuli-Keokea, Kula, Makawao, Maui.

This acknowledges receipt of your March 1, 1995 written request to relocate a 20 ft. wide roadway on State lands identified by Tax Map Key: 2-2-04: Portion 66, Waiohuli-Keokea, Kula, Makawao, Maui, and currently under General Lease No. S-4225 to Mr. Charles Ota. The subject roadway provides access to land locked parcels identified by Tax Map Key: 2-2-04: 13, 40, 41, 42, 43 and 44.

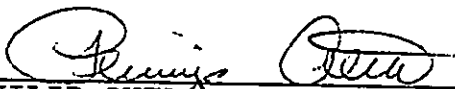
After conducting a physical inspection of the roadway, I concur with you that a relocation of the present roadway will benefit both yourselves and Mr. Ota's ranching operations. The new proposed roadway's location along the boundary of the leased parcel will provide a shorter and safer passage to the land locked parcels and Mr. Ota's operations will not be interrupted by vehicles being driven across Parcel 66.

I have requested an abstract to confirm that the land locked parcels still has a right to access across parcel 66. If the roadway still exists, then I am sure a relocation can be discussed. If not, then we will be more than happy to process an easement request for you.

Mr. John David Creekmore - Roadway Relocation
March 7, 1995
(Continued) Page 2

If you may have any questions, please contact this office at the address provided on the letter head or by telephone at 243-5352.

Very truly yours,



PHILIP OHTA
(Acting) Maui District Land Agent

cc: Mr. W. Mason Young
Mr. W. Kennison
Mr. Charles Ota

RENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

April 6, 1995

Mr. Dave Creekmore
526B Olinda Road
Makawao, Hawaii 96768

EXHIBIT C

LOG NO: 14256
DOC NO: 9504KD01

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
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HISTORIC PRESERVATION
DIVISION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Dear Mr. Creekmore:

**SUBJECT: Historic Preservation Review of a Proposed Road Easement
Through State Land, Keokea, Makawao District, Maui
TMK: 2-2-04: 38**

Thank you for requesting our comments regarding a proposed road easement in Kula. The easement is being requested from the State in order to provide vehicular access to TMK 2-2-04: 44. The c. 20 foot wide road corridor will extend east from an existing public road easement, and follow along the southern boundary of parcel 14. It will enter parcel 44 at the southwestern corner of the property.

An inspection of the proposed road easement was conducted March 28, 1995, by State Historic Preservation Division staff archaeologist Theresa K. Donham. You were present during the inspection and indicated the general location of the proposed roadway. The road corridor is located within an active pasture and is covered with short grasses. Isolated rock outcroppings and natural lava tube sinkholes are present in the general vicinity.

During the inspection, a cluster of three to four eroded stone terraces was identified to the north of the proposed road easement. This site area will not be impacted by the road as it is presently proposed.

A single historic site, consisting of an identified human burial within a lava tube cave, was identified within general vicinity of the proposed easement. The site has been designated as SIHP Site 50-50-14-4074. A report on this site has been sent to the State Historic Preservation Division Burial Sites Program.

Two additional sinkhole/cave features were identified within the general vicinity of the proposed easement. These features, which were not accessible during the inspection, could also contain human burials.

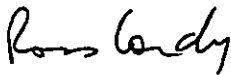
Mr. Dave Creekmore
Page 2

Based on the findings of the field inspection, it appears that historic sites are present in the general vicinity of the proposed road corridor. We recommend that the corridor be aligned so as to avoid the stone terraces, the known burial site, and the sinkhole features. We request that our office is notified at such time that the corridor centerline has been surveyed and staked. An inspection of the corridor alignment will then be conducted.

If it is determined by our office that the corridor does not safely avoid the above mentioned features, an archaeological inventory survey of the easement will be needed prior to our approval of the project. A full report of the survey findings will need to be submitted to our office for review and approval. If applicable, mitigation plans detailing further data recovery work or site preservation measures will also need to be submitted for approval, and implemented.

Please contact Ms. Theresa K. Donham at 243-5169 if you have any questions.

Sincerely,

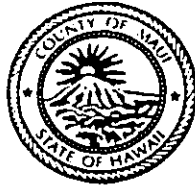


fr DON HIBBARD, Administrator
State Historic Preservation Division

KD:jen

c: Philip Ohta, Division of Land Management, Maui District

LINDA CROCKETT LINGLE
Mayor



GWEN Y. OHASHI
Acting Director

COUNTY OF MAUI
PLANNING DEPARTMENT
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 12, 1995

EXHIBIT D

Mr. Dave Creekmore
112 Middle Road
Kula, Hawaii 96790

Dear Mr. Creekmore:

Re: Draft EA for Access Easement Over State Lands in the State Agricultural District,
TMK: 2-2-4: por. 66, Keokea, Maui, Hawaii

In response to your letter of June 22, 1995, please be advised that the subject access easement is not located within the Special Management Area boundaries. In addition, said easement would not require a Land Use Commission Special Use Permit.

Thank you for the opportunity to comment. Should you have any questions, please contact Mr. Daren Suzuki, Staff Planner, at 243-7735.

Yours truly,

Gwen Y. Ohashi

GWEN Y. OHASHI
Acting Planning Director

GYO:DMS:osy

cc: Daren Suzuki
Project File
(g:darencreek.ee)

Maui DOFAW

ID:2435006

APR 24 '95 15:43 No.015 P.01

RECEIVED
DEPT. OF LAND & NATURAL RESOURCES
HONOLULU, HAWAII

1995 APR 24 PM 2:17

April 24, 1995

Philip Ohta
Land Agent
Dept. of Land &
Natural Resources

EXHIBIT E


Re: Application for road easement along north boundary of lot 38 (2-2-4-38)

Dear Philip,

As per discussion of the subject application, as leasee of Lot 38, I have no objection provided the following conditions are agreed upon and completed by the applicants:

1. The road easement along the north boundary of lot 38 with proper stake-out.
2. New field fence (class III, 1047-6-12 $\frac{1}{2}$ -12 $\frac{1}{2}$) topped with barbed wire (class III) along south boundary of the easement.
3. Similar fencing along road-way from Cross Road to the easement.
- * 4. Similar fencing along boundary of lot #14, 15, 16 (2-2-4).
- * 5. Two 12' gates for cattle movement from lot #38 across easement to lot #16.
6. Relocate or replace water trough and "cell system."

Yours truly,



Charles S. Ota
Landmark Ranch

* Lot #14, 15, 16 are used as pastures in conjunction with lot #38.

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
64 SOUTH HIGH STREET, ROOM 101
HAILUKU, HAWAII 96793-2188

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WATER RESOURCE MANAGEMENT

July 14, 1995

EXHIBIT F

Mr. John David Creekmore
526 B Olinda Road
Makawao, Maui, Hawaii 96768

Dear Mr. Creekmore:

Subject: Draft Environmental Assessment for an Access Easement Over State Lands, Tax Map Key: 2-2-04: Portion 66, Waiohuli, Keokea, Kula, Makawao, Maui.

This is in regards to your draft environmental assessment involving an access easement over State lands identified by Tax Map Key: 2-2-04: Portion 66 and situate at Waiohuli, Keokea, Kula, Makawao, Maui.

This office has received a letter (enclosed) of concern from Mr. Roderick Fong, who is an adjacent land owner along the proposed access easement. You will need to address Mr. Fong's concerns and contact him by letter with your comments; and these comments are also to be included in your final environmental assessment.

If you may have any questions, please contact this office at the above address or by telephone at 243-5352.

Very truly yours,

PHILIP OHTA
Maui District Land Agent

Encls.

cc: Mr. W. Mason Young
Mr. W. Kennison

FROM : All 'N All Cleaning

PHONE NO. :

P01

RECEIVED
DIVISION OF
LAND MANAGEMENT
1995 JUL 10 PM 4:16

495 Hukilike Street
Bay 4
Kahului, Hawaii 96732

July 7, 1995

Dept. of Land and Natural Resources,
Division of Land Management
P.O. Box 621
Honolulu, Hawaii 96809

EXHIBIT G

Attn: Ulalia Woodside

Re: Creekmere Request for an Access Easement over State Lands
District: Makawao, TMK: 2-2-04:por. 66

Dear Ms. Woodside,

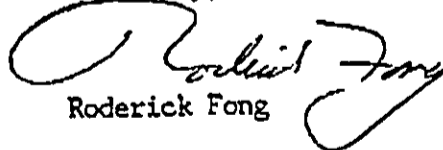
Our family opposes this easement request, on the grounds that it increases our liabilities as adjacent property owners. We own the properties with TMK: 2-2-04:14, 15 & 16 and have been using this pasture land for cattle raising. We feel that our liability from damages to vehicles and roadway will increase, not just literally from cattle, but also from the drainage runoffs that passes through our property, from two large gulches, over the government road that will be used.

From the information that I gathered, the property in question is not landlocked as stated in the request. The County "Polipoli Road" runs along the mauka boundry of the property. The attached property description and TMK map do indicate that the mauka boundry accesss this road. I believe that if this property had indeed been landlocked, the owners would not have been able to subdivide that property into the current six lots.

I also would like to find out what are the State and County suggestions, as stated in the OEQC Bulletin, especially in regards to roadway improvement requirements. Currently no roadway, to speak of, exists.

Please contact me if further discussions will be required. Thank you for your consideration.

Sincerely,


Roderick Fong

cc: Phil Ohta

John David Creekmore
112 Middle Road
Kula, HI 96790

July 24, 1995

Roderick Fong
495 Hukilike St. #4
Kahului, HI 96732

EXHIBIT H

Dear Mr Fong:

We are in receipt of your letter dated July 7, 1995, to Ms Woodside of DLNR in opposition to our request for an easement to access TMK (2) 2/2/4/41,42,43,44 & 13. We were very surprised to hear of your opposition since you knew of our intentions three months ago when we met with you two times to discuss the options. At that time you stated you had no objections to our receiving an easement from the State of Hawaii, in fact you stated you preferred that solution to our idea of obtaining an easement over your proposed subdivision road on parcel 2/2/4/16. We stated at that time and still feel that sharing a road with your subdivision is the best solution for the access issue.

Subsequent to those meetings, but while still under contract with us, you made an offer to purchase the same parcels that we were buying. We were in escrow at the time of your offer.

In response to the four main points of your letter to DLNR:

1) As to your question of increased liability we contend that the use of an existing government road, properly fenced and gated, will in no way increase your liability. Your cattle should remain confined on your property. We will adequately insure the access to the easement as well as the easement itself for any possible liability exposure. If you would like, we can name you as an additional insured on that policy.

2) The subject property cannot get title insurance because of the access problems (see enclosed letters from Title Guarantee). The old Polipoli Road does not fall within the described boundaries.

.../...

Mr Roderick Fong
Page Two
July 24, 1995

3) As to the question of drainage runoffs over the government road: After consultation with the Department of Public Works, it is our commitment to not change or increase the flow of the existing drainage. We do not anticipate any increase in existing flows and we will ensure that any improvements we make will preserve and accomodate the existing drainage patterns.

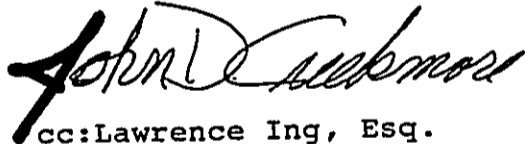
4) The parcels were originally subdivided in 1944 when access requirements were different from today. Also, the parcels at that time were accessed by the old Kula Sanitarium Farm Road which originated at the Kula Hospital and ended at our parcel. This road seems to have been terminated by the State some 30 years ago.

Mr Fong, we want to be good neighbors and develop the access to our parcels in a responsible manner, We are sensitive to the environment as well as preserving the wonderful rural feel and atmospere of the neighborhood.

We still would like to work with you on providing the best possible access to both your subdivision and ours. We have invested considerable time and money into this project and do not want to have any conflicts with you. We would appreciate working with you as we proceed.

Sincerely yours,

John David Creekmore



cc:Lawrence Ing, Esq.
Philip Ohta

DOCUMENT CAPTURED AS RECEIVED



ALAN GRODZINSKY 885722465 P. 01
TITLE GUARANTY CO. OF HAWAII
INCORPORATED
235 QUEEN STREET • P.O. BOX 3084 • HONOLULU, HAWAII 96802 • TELEPHONE 833-8261

March 17, 1995

Ms. Patricia Chaney, Realtor
WORRALL-MCCARTER-MAUI, INC. (TRANSMITTED BY FACSIMILE)
1871 Will Pa Loop
Wailuku, HI 96793

Re: Diego & Franco/Creekmore
Escrow Nos: 952010067/951020069
TMK: (2) 2/2/4/41 & (2) 2/2/4/43
Our File Nos: 353888 & 362723

EXHIBIT I

Dear Ms. Chaney:

It is apparent from the letter from Philip Ohta, the State Land Agent on Maui, that a request for the relocation of the access road has already been undertaken. And, it is obvious from others who have made a physical inspection of the premises that there is presently no access. Until access is obtained to these properties, we are not in a position to insure the title.

Please keep us advised as to the status of this easement relocation. Once this matter is corrected, we will be happy to provide title insurance to your buyer.

Thank you for this opportunity to be of service. Should you have any further questions, please feel free to contact me.

Very truly yours,

James W. Pietsch
JAMES W. PIETSCH
Senior Vice President

DP:sc:



DOCUMENT CAPTURED AS RECEIVED

ALAN GRODZINSKY

8085722465

P.02



TITLE GUARANTY OF HAWAII

INCORPORATED

255 QUEEN STREET • P.O. BOX 3004 • HONOLULU, HAWAII 96802 • TELEPHONE 522-8281

March 20, 1995

Ms. Patricia Chaney
WORRALL-McCARTER-MAUI, INC.
1871 Wili Pa Loop
Wailuku, HI 96793

(TRANSMITTED BY FACSIMILE)

Re: Diego & Franco/Creekmore
Escrow Nos: 952010067 & 951020069
Tax Map Keys: (2) 2/2/4/41 & (2) 2/2/4/43
Our File No: 353888 & 362723

MAR 22 10 17 AM '95
RECEIVED
TITLE GUARANTY
ESCROW SERVICES, INC.

EXHIBIT J

Dear Ms. Chaney:

Upon review and discussion, it is apparent that the lots in the above mentioned transactions have access by way of Waiohuli Road and Polipoli Road which are "undeveloped roads". However, the roadway access to the lots in certain sectors is impassable or in disrepair and said courses of the road may have been altered.

Please note that a Standard Owner's Policy insures access to the owner; and, since said roadway access may not front the properties and is also in terrible disrepair, these problems must be corrected before Title Guaranty of Hawaii will issue an Owner's Policy. Once these matters are corrected, however, we will be happy to provide title insurance to the buyer.

Thank you for this opportunity to be of service. Should you have any further questions, please feel free to contact me.

Very truly yours,

JAMES W. PIETSCH
Senior Vice President

JWP:sat

cc: TGES/Wailuku Branch, ATTN: Sharon Matsunaga
John Papazian, Buyer's Realtor



DOCUMENT CAPTURED AS RECEIVED

ALAN GRODZINSKY

8085722465

P. 03

MAR 27 1994 10:00 AM HONOLULU, HAWAII



TITLE GUARANTY OF HAWAII

INCORPORATED

235 QUEEN STREET • P.O. BOX 3041 • HONOLULU, HAWAII 96821 • TELEPHONE 532-4261

VIA TELECOPIER TO: (808) 242-7131

March 27, 1994

Patricia Chaney
Worrall-McCarter-Maui, Inc.
1871 Wili Pa Loop
Wailuku, HI 96793

EXHIBIT K

RE: Diego & Franco/Creekmore
Escrow Nos. 952010067 & 951020009
TMKs (2) 2-2-4-041 & 043 Our File Nos. 353888 & 362722

Dear Ms. Chaney:

Due to the misinterpretation or misunderstanding by the buyers and sellers, I am writing this letter to hopefully clarify Title Guaranty of Hawaii, Inc.'s position regarding the roadway access by way of Waiohuli Road and Polipoli Road which are "undeveloped roads".

Our understanding is that the roadway access to these lots in certain areas is impassable or in disrepair and that said roadway lots do not abut the lots in the above mentioned transactions.

Please note that Title Guaranty of Hawaii, Inc. can issue a Standard Owner's Title Insurance Policy at this time noting as an exception that said lots "lack the access to and from the land" in Schedule B of our policy.

For Title Guaranty of Hawaii, Inc. to remove this exception from this Standard Owner's Policy, we would need to have a certified surveyor state that the properties abut a public road with vehicular access to and from the properties

Thank you for this opportunity to be of service. Should you have any further questions, please feel free to contact me.

Very truly yours,

David Pietsch, Sr.
Executive Vice President

MAR 27 1994

John David Creekmore
RR 2 Box 112
Kula, Hawaii 96790

Ref: Mr. Chas Ota's Letter
Mr. Rodderick Fong's Letter

EXHIBIT L

Dear Ms. Woodside:

We are negotiating with Mr. Chas Ota through the Maui Land Agent (Phil Ohta) regarding fencing and gates (see Exhibit "E").

We are addressing each and every valid concern regarding drainage and liability brought to light by Mr. R. Fong (see Exhibit "G").

Sincerely,


John David Creekmore

BENJAMIN J. CAYETANO
GOVERNOR



GARY GILL
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 SOUTH KING STREET
FOURTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4106
FACSIMILE (808) 586-2462

June 5, 1995

Michael D. Wilson, Director
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Ulalia Woodside

Dear Mr. Wilson:

Subject: Draft Environmental Assessment (EA) for Access Easement over State Lands,
Keokaa, Maui, for Dave Creekmore, TMK 2-2-4: por. 66

After a careful review of the subject project, we recommend that you include the following in the final environmental assessment:

1. Indicate if the site is in the Conservation District and, if so, consult with the Conservation and Environmental Affairs Office of DLNR.
2. Consult with the Maui County Planning Department and include documentation.
3. Enclose maps which show the island, the region and the immediate neighborhood, each indicating the project location.
4. The TMK numbers given are unclear. List the correct TMK number in the final EA.

If you have any questions, please call Nancy Heinrich at 586-4185.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Gill".

GARY GILL
Director

GG/NH:kk

c: Dave Creekmore

September 17, 1995

To: Office of Environmental
and Quality Control
220 S. King Street
4th Floor
Honolulu, HI

From: Dave Creekmore
RR2 Box 112
Kula, Maui, HI 96790

To Whom It Concerns:

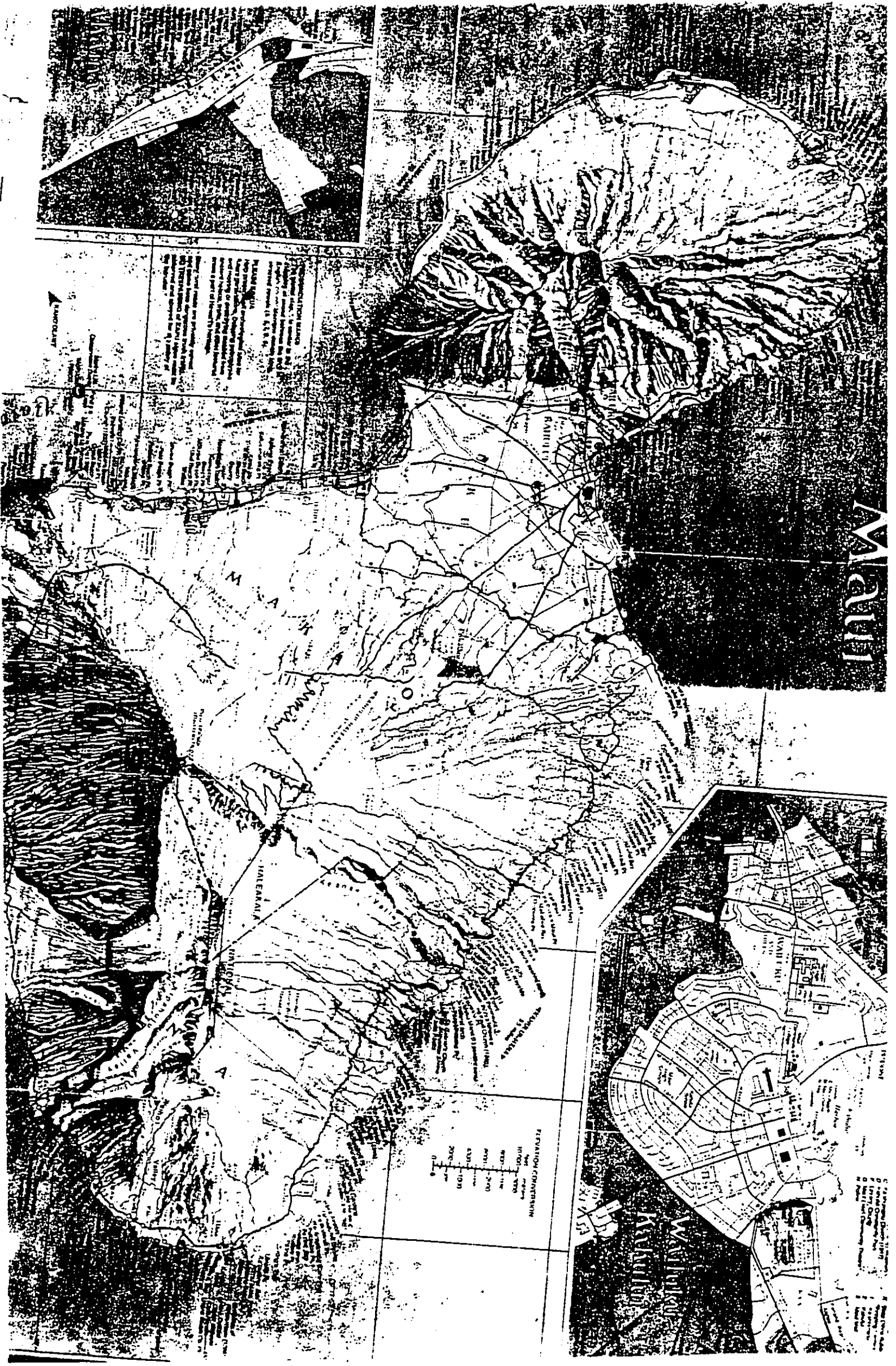
This is in regard to your letter requesting additional corrections and information.

Item 1; The proposed easement is in agricultural zoning and not in any conservation area.

Item 2, 3, and 4; All requested corrections and changes have been made.

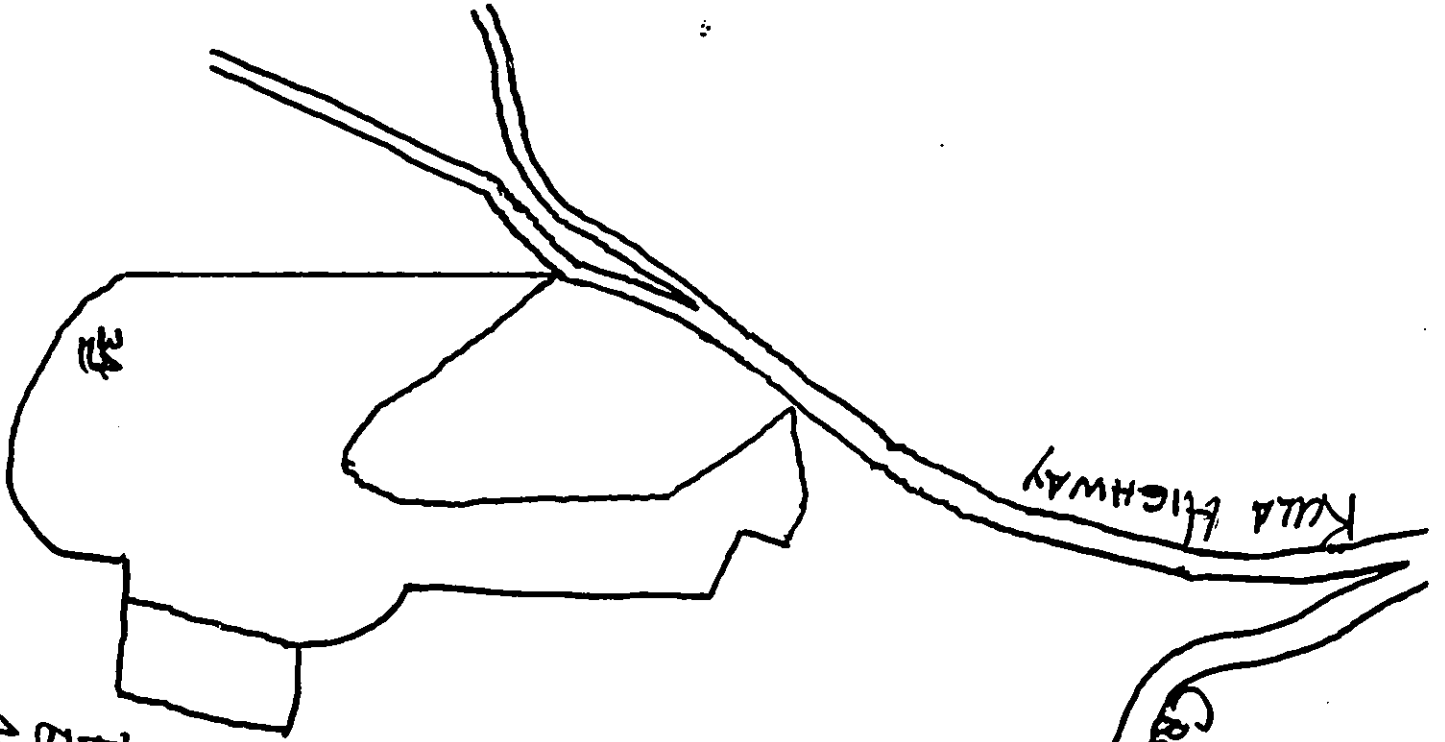
Sincerely,


Dave Creekmore



DOCUMENT CAPTURED AS RECEIVED

TMK-2-2-4-BR66



PROPOSED EASEMENT 40' X 1250'

STATE OF HAWAII
CHAS. OPA
SINK HOLES

66
65

APPLICANTS PARCELS

ACTUAL ROAD LOCATION

SCALE:
DATE:

KULA HIGHWAY

GRASS RD

GOV'T. ROAD

BURIAL SITE

KULA PIPELINE

30
41
42
43
44

18

15