

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

APR 9 1998

*Keanae Restoration of Loi
Kalo & Taro Cultivation*

CHAIRPERSON
MICHAEL D. WILSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY DIRECTOR
GILBERT S. COLOMA-AGARAN

RECEIVED
'98 APR 15
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
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ENFORCEMENT AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Mr. Gary Gill, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813-2419

Dear Mr. Gill:

Subject: Negative Declaration for Use of State Land Involving the Restoration of Lo'i Kalo and Taro Cultivation Project by Na Moku Aupuni O Ko'olau Hui, Tax Map Key: 1-1-08: 05, Portion of Keanae, Wailua, Ko'olau, Maui.

The Department of Land and Natural Resources, Land Division's Land Management Branch has reviewed the comments received during the thirty (30) day public review period which began on January 23, 1998 and its responses for the subject project. Accordingly, it has been determined that this project will not have a significant environmental effect and a negative declaration will be issued. 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. The computer disk containing the project description was submitted to your office during the draft environmental assessment process. Should you have any questions regarding this matter, please contact the Maui District Land Office at (808) 984-8100.

Aloha,

"Hawaii - Earth's Best!"

[Signature]
MICHAEL D. WILSON, Chairperson
Board of Land and Natural Resources

enc.

cc: Maui District Land Board Member
Maui District Land Office

38

MAY - 8 1998

1998-05-08-MA-FEA-Keanae
Restoration of Loi, Kalo & Taro
Cultivation Project

FILE COPY

FINAL ENVIRONMENTAL ASSESSMENT

General Lease of TMK 1-1-08-5 for General
Agriculture and Aquaculture Purposes

Prepared for: Na Moku Aupuni O Ko'olau Hui

Prepared by: Patty Neal, A.C.S.W., L.S.W.
Community Development Coordinator
Queen Lili'uokalani Children's Center/Lili'uokalani Trust
1791 Wili Pa Loop
Wailuku, Hawaii 96793

Y900 3117

determined by the accepting authority. Simultaneously, [twenty-five] four copies of the final EIS shall be filed with the office.

(c) An EIS may be [deposited] filed at any time at the office by the proposing agency or applicant [but the deadlines for bulletin notification of an EIS filing shall be the fifth and twentieth days of each and every month unless these days are weekends or state holidays, in which case the EIS shall be filed on the next working day following the weekend or state holiday] in accordance with section 11-200-3.

(d) The proposing agency or applicant shall sign and date the original copy of the draft or final EIS. Such signature shall constitute an endorsement by the person signing that the statement and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted is true, accurate and complete. [Eff 12/6/85; am and comp] (Auth: HRS §§343-5, 343-6) (Imp: HRS §§343-3, 343-6)

§11-200-21 Distribution. The office shall be responsible for the publication of the notice of availability of the EIS in its bulletin[, and for distribution of the EIS for agency and public review]. The office shall develop a distribution list of reviewers (i.e., persons and agencies with jurisdiction or expertise in certain areas relevant to various actions) and a list of public depositories where copies of the EIS's shall be available, and to the extent possible, the [office] proposing agency or applicant shall make copies of the EIS available to individuals requesting the EIS. The office's distribution list may be developed cooperatively among the applicant or proposing agency, the accepting authority, and the office; provided the office shall be responsible for determining the final list. The applicant or proposing agency [may] shall directly distribute [any portion of] the required copies to those on the distribution list. The applicant or proposing agency shall provide verified information to the office that the EIS has been served to those on the distribution list. [, provided that the office is informed at the time the EIS is filed] For final EIS's, the agency or applicant

place bracketed material first

ENVIRONMENTAL ASSESSMENT

This environmental assessment is submitted to the Maui District Office of the Department of Land and Natural Resources as part of an application for a general lease of TMK 1-1-08-5 located in the Keanae-Wailuanui ahupua`a, Maui, Hawaii. A map clearly designating the location of the subject parcel is attached as Exhibit A. Exhibit B shows the Conservation and Agriculture Districts. A map labeled Exhibit C shows locations of Hamau and Waiokamilo Streams.

SUBJECT PARCEL

The land parcel under consideration is designated as TMK 1-1-08-5. It is known as a portion of the Ili of Kupa`u and is comprised of 120.97 acres. Approximately 68 acres is in an Agricultural District, and the remaining 52.97 acres is in the Conservation District. Waiokamilo and Hamau Streams are part of this parcel. A formal survey will be necessary in order to clearly determine boundaries.

APPLICANT

The applicant organization is Na Moku Aupuni O Ko`olau Hui, EIN: 99-0326180, a 501 (c)(3) Kanaka Maoli indigenous corporation located in Keanae-Wailuanui ahupua`a, Maui, Hawaii. A copy of the Letter of Determination from the United States Internal Revenue Service is on file in the Maui District Office of the State of Hawaii Department of Land and Natural Resources.

Questions regarding this Environmental Assessment should be directed to Edward Wendt, President, Na Moku Aupuni O Ko`olau Hui at HC1 Box 62 Wailuanui Road, Haiku, Hawaii 96708. He can be reached by telephone at (808) 248-8658 or facsimile (808)248-7097.

APPROVING AGENCY

The Department of Land and Natural Resources, State of Hawaii.

AGENCIES CONSULTED

The following agencies have been consulted in the process of preparing this Environmental Assessment.

County of Maui Planning Department

Department of Public Works and Waste Management, County of Maui

Office of Hawaiian Affairs, State of Hawaii

Department of Agriculture, State of Hawaii

Historic Preservation Division, Department of Land and Natural Resources, State of Hawaii

Natural Resources Conservation Service, United States Government

Land Division, Department of Land and Natural Resources, State of Hawaii

EXISTING SITE CONDITIONS

The topography of the existing site designated as TMK 1-1-08-5 consists of a gently sloping valley. The Draft Environmental Assessment stated in error that Kualani and Waiokamilo Streams border the land parcel. Additional map investigation shows that it is actually Hamau Stream and Waiokamilo Stream that both flow along a portion of the parcel's boundaries. According to Kalo Kanu O Ka'Aina A Cultural Landscape Study of Keanae and Wailuanui, Island of Maui (County of Maui Planning Department, 1995), the Kupa'u taro complex, which is apparent in the subject parcel, probably originated in pre-contact times. The terraces are visible, but the area has become overgrown with California grass and other non-native plant species such as guava, waiwi, java plum, African tulip, and hau. Also present are coconut, kukui and mountain apple trees and uluhi fern.

At the entrance to the parcel is an unpaved road leading up into the valley. Besides the abandoned taro fields, there are also the remnants of a taro factory and an abandoned "house" structure (not part of the subject parcel) seen as one moves up the road into the valley. As stated above, a formal survey will be necessary to determine where the exact parcel boundaries are located. The streams which flow through the parcel have become clogged with debris and 'ili'ili (small stones) and overgrown with hau.

GENERAL OBJECTIVES

1. To provide the opportunity for Na Moku Aupuni O Ko'olau Hui to take responsibility for restoring the abandoned wetland lo'i kalo and clearing the streams which are present within the subject land parcel.
2. To provide a land base for Na Moku Aupuni O Ko'olau Hui to sponsor activities which follow its Mission Statement, specifically to perpetuate traditional Kanaka Maoli (indigenous) cultural practices including but not limited to taro cultivation and gathering of plants and animal species.

DESCRIPTION OF THE PROPOSED PROJECT

TECHNICAL CHARACTERISTICS

Na Moku Aupuni O Ko'olau Hui proposes to manage the area of the above parcel designated as Conservation District, leaving the area as it is, preserving its pristine and natural character. The only utilization of the land will be in the Agricultural District area where the land will be used for general agriculture and aquaculture purposes. See Exhibit B. State and County land use and zoning designations correspond with the district designations. As stated above, the objectives are to restore the abandoned wetland lo'i kalo and perpetuate traditional Kanaka Maoli cultural practices including but not limited to taro cultivation and subsistence gathering practices.

When the subject parcel is acquired, the Army Corps of Engineers will be contacted to obtain a Notice of Authorization to proceed with the project under General Permit GP 95-003 for taro lo'i restoration. See attachments 1 and 2. All communication with Federal, State and County agencies has indicated that the necessity for any permits will be determined after the acquisition of the subject land parcel.

In the process of wetland lo'i restoration, clearing of the Hamao and Waiokamilo Streams will be done in order to eliminate the blockage of stream flow caused by 'ili'ili and overgrowth of hau. This will further facilitate the restoration of the lo'i kalo and growth in taro production as well as assist in flood control in the area. Hand tools and manual labor will be used inside the streams rather than heavy equipment in order to minimize disturbance of the natural wildlife habitat.

There are no possible alternatives to this project. No action would mean leaving the streams blocked which has caused problems within the ahupua'a for years. No action would also eliminate the job creation aspect of the plan.

SOCIO-ECONOMIC CHARACTERISTICS

Eighty (80) percent or more of the predominantly Native Hawaiian residents of Keanae-Wailuanui ahupua'a are members of Na Moku Aupuni O Ko'olau Hui. Local survey has determined that approximately forty-seven (47) percent of the population is unemployed. The project of restoring the lo'i kalo will employ some of these residents where manual labor rather than heavy equipment is necessary, such as inside the streams where heavy equipment cannot be used. Opportunities for taro farmers will also be provided when the ancient lo'i are ready for renewed production.

Another social and cultural effect will be the perpetuation of traditional Native Hawaiian culture through the restoration of this historically rich area as well as increased capacities for the traditionally essential cultivation of taro. The consequent enhancement of cultural identity for the Native Hawaiian participants cannot be over looked.

ENVIRONMENTAL CHARACTERISTICS

Traffic and Noise

The project of lo'i kalo and stream restoration in the subject parcel will not impact any of the residents of the ahupua'a in terms of traffic or noise since there are no residences within TMK 1-1-08-5 or anywhere near the entrance to the unpaved road which goes into the valley from the Lookout parking area just mauka of Hana Highway.

Flora and Fauna

The proposed land parcel is a habitat for rare native aquatic species, specifically within the Waiokamilo and Hamau Streams. Native varieties of 'o'opu (fish), 'opae (shrimp) and hihiwai (snail) are present in the streams. However, their numbers have been significantly reduced in recent years, partially due to the blocking of the streams discussed above. Stream restoration will result in improved health of the environment and, therefore, native animal species will have a better chance of survival. Within the designated parcel, the action will actually restore the wildlife habitat. Adequate water flow mauka to makai will be necessary to accommodate the species' migration patterns necessary for reproduction and increased populations.

No use of chemical fertilizers or pesticides is planned. Use of composted debris from the stream clearing process will contribute to the overall non-chemical approach to taro cultivation after completion of lo'i restoration.

Archeology and Historic Preservation

As stated above, the Kupa'u taro complex present in the subject land parcel is recognized as an archeological site by the State of Hawaii. Appropriate agencies have been consulted with regard to this project so that the proposed renovation will follow established guidelines. No other archeological or historical sites are present.

Water Quality

The proposed project involving lo'i kalo and stream restoration will not effect the quality of water in the environment of the subject parcel in the long term. Short term effects will be the result of clearing efforts which could increase the presence of silt in the Waiokamilo and Hamau Streams makai of the subject parcel. In the long term, the overall plan for the land parcel involves restoration which will return the environment to its historical condition.

Soil Quality and Conservation

As stated above, the planned project to restore ancient wetland lo'i kalo will include the use of composted debris from the stream clearing process to rebuild the soil within the lo'i. Traditional Native Hawaiian taro cultivation methods will be used which include opening the abandoned

existing `auwai system which is in disrepair due to the recent presence of destructive cattle. Stream water will flow into the lo`i via the interconnected `auwai and lo`i system. By utilizing this traditional practice, soil loss is controlled. Other fertilization will be done using natural products. Therefore, soil rejuvenation through rebuilding soil components will take place.

Aesthetic Qualities

Removal of stream blockage as well as non-native plant species from the streams and abandoned lo`i kalo will improve the aesthetic quality of the subject parcel. The constant attention required in the planned return to taro cultivation will guarantee that the improvements will be maintained.

DETERMINATION, FINDINGS AND REASONS FOR SUPPORTING DETERMINATION

Significance Criteria

According to the Department of Health Rules (11-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, Rules establish "Significance Criteria" to be used as a basis for identifying whether significant environmental impact will occur. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria:

- 1) **Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;**

As described above, the proposed project will result in restoration of natural and cultural resources rather than loss. Natural stream flows, wildlife habitats and ancient wetland lo`i kalo will be brought back to historical conditions.

- 2) **Curtails the range of beneficial uses of the environment;**

All restorative aspects of the proposed project serve to expand the range of beneficial uses of the environment, returning the site to its natural environmental condition.

- 3) **Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;**

The proposed project is consistent with the Environmental Policies established in Chapter 344, HRS. See attachment 3.

- 4) **Substantially affects the economic or social welfare of the community or state;**

As the proposed project progresses, it will provide a significant contribution to the Keanae-Wailuanui community as discussed in the Socio-Economic Characteristics section of this document.

- 5) **Substantially affects public health;**

There will be no impacts on public health as a result of the project.

- 6) **Involves substantial secondary impacts, such as population changes or effects on public facilities;**

The project will not impact any public facilities or result in population changes.

- 7) **Involves a substantial degradation of environmental quality;**

As described above in the Environmental Characteristics section of this document, the proposed project will improve the environment substantially within the subject parcel. Clearing of Hamao and Waiokamilo Streams will improve natural water flow and prevent flooding of the surrounding environment while providing an improved natural wildlife habitat for rare native aquatic species.

- 8) **Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;**

The project is consistent with historical and traditional Native Hawaiian cultural practices within the Keanae-Wailuanui ahupua`a. It will also have a positive impact on the current economic status by providing jobs within the ahupua`a.

- 9) **Substantially affects a rare, threatened or endangered species or its habitat;**

The Flora and Fauna section of this document demonstrates the restorative impact of this project upon the rare native aquatic species and their habitat within the environment.

- 10) **Detrimentially affects air or water quality or ambient noise levels;**

No impacts on air quality will occur as a result of the project. Since there are no residences within the subject parcel or anywhere near the entrance, any ambient noise resulting from the stream clearing process will have no effect on community residents. Any effect on water quality, as stated above, will be short term.

- 11) **Affects or is likely to suffer damage by being located in an environmentally sensitive**

area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters;

The long term results of the project will be consistent with the historical use and condition of the parcel. Clearing of streams will improve conditions which have resulted in flooding of the area in recent years.

12) **Substantially affects scenic vistas and view planes identified in county or state plans or studies;**

Restoration projects within the subject parcel will not impact scenic vistas or view planes available to the general public via designated viewing areas.

13) **Requires substantial energy consumption.**

Given the nature of the proposed project, manual labor will necessarily provide the majority of energy consumed. Other sources of energy will not be required in excess of that required for similar projects.

DETERMINATION

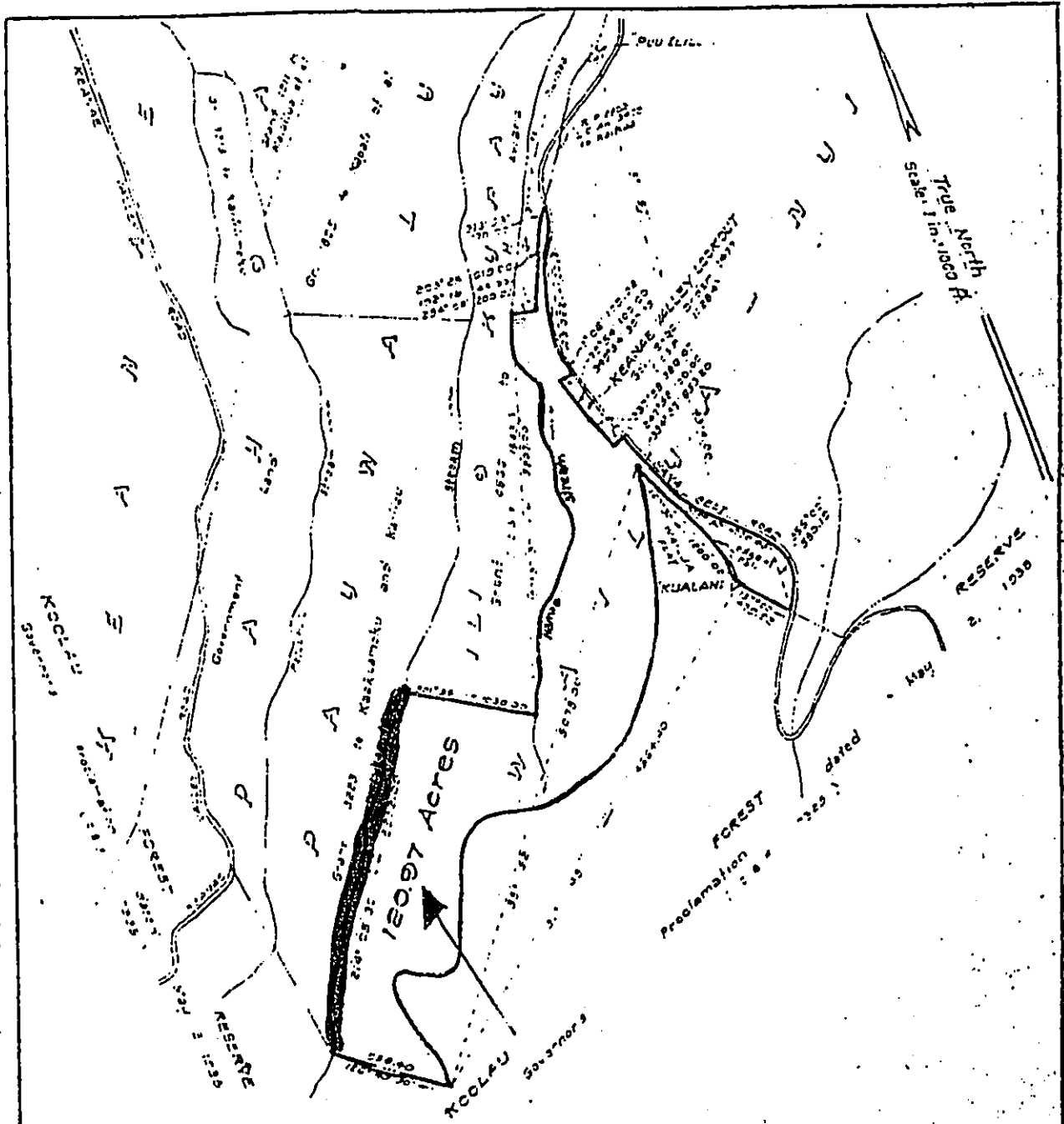
Given the above findings and reasons, the proposed use of the subject land parcel for restoration and agricultural projects, together with its historical use and present condition, no significant environmental impact is foreseen.

EXHIBITS

Exhibit A: Parcel Boundaries TMK 1-1-08-5

Exhibit B: Conservation District and Agricultural District Boundaries

Exhibit C: Locations of Hamao Stream and Waiokamilo Stream



WAILUA-NUI REMAINDER
 Situated on the West side of HANA BELT ROAD
 Wailua-Nui, Hana (Koolau), Maui, Hawaii
 Scale: 1 inch = 1000 feet

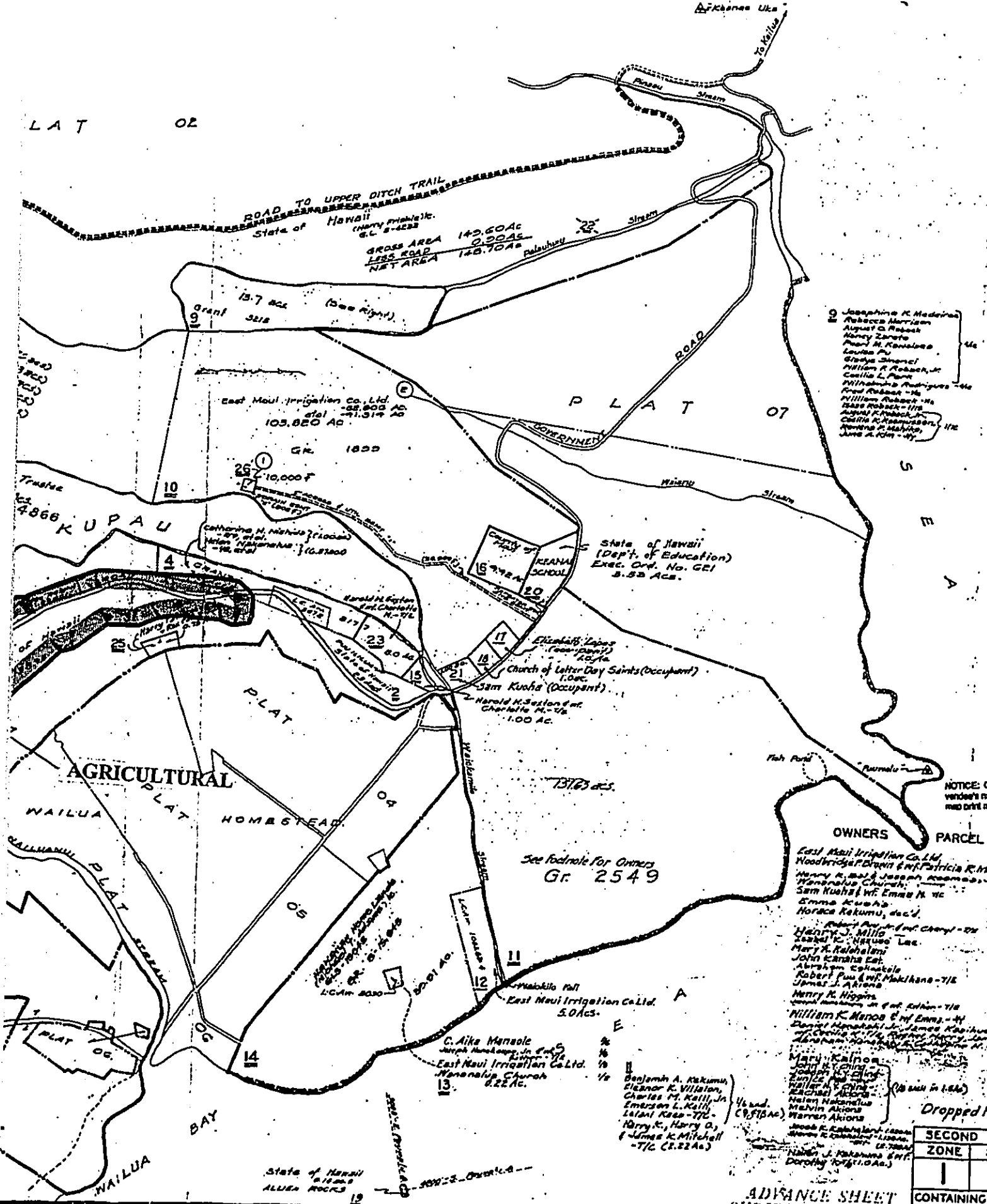
Exhibit A

JOB No. Ma-4122
 C. BK 3 (McCintyre)

TAX MAP 1-1-68

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

L A T 02



- Josephine K. Medeiros
- Rebecca Harrison
- August O. Robak
- Mary Zarate
- Henry M. Kowalew
- Louisa Pa
- George S. S. S.
- William K. Robak, Jr.
- Carlita L. Park
- William K. Robak, Sr.
- Frank Robak - 1/2
- William Robak - 1/2
- Rose Robak - 1/2
- August K. Robak, Jr.
- Carlita K. Robak, Jr.
- William K. Robak, III
- June K. Robak - 1/2

- OWNERS PARCEL II
- East Maui Irrigation Co. Ltd. (28.00 A)
 - Woodbridge P. Brown & Patricia R. M. H. (2.831)
 - Henry K. M. & Joseph K. M. (11.000)
 - Wanalelu Church (7.256)
 - Sam Kuaha & W. Emma H. (6.00)
 - Emma Kuaha (1.000)
 - Horace Kekumu, dec'd (1.479)
 - Robert P. & Mrs. Cheryl (2.100)
 - Henry J. Mills (1.978)
 - Richard W. Kekumu Lee (1.000)
 - Mary A. Kekumu (1.000)
 - John Kekumu (1.000)
 - Abraham Kekumu (1.000)
 - Robert P. & Mrs. Makihana (1.000)
 - James J. Akins (1.000)
 - Henry K. Higgins (1.000)
 - William K. Menos & Mrs. Emma (1.000)
 - Daniel Kekumu, Jr. & Mrs. James (1.000)
 - Josephine K. Medeiros (1.000)
 - Abraham Kekumu (1.000)
 - Mary Kekumu (1.000)
 - John Kekumu (1.000)
 - Richard Kekumu (1.000)
 - Michael Kekumu (1.000)
 - Malvin Kekumu (1.000)
 - Warren Akins (1.000)
 - Joseph K. Kekumu (1.000)
 - James K. Kekumu (1.000)
 - William J. Kekumu (1.000)
 - Dorothy Kekumu (1.000)

SEP 22 1977

Dropped Par. 3, 22.

SECOND DIVISION		
ZONE	SEC.	PLAT
1	1	08

CONTAINING 14 PARCEL

SCALE 1 in = 500 ft

ADVANCE SHEET SUBJECT TO CHANGE

See footnote for Owners Gr. 2549

State of Hawaii ALIEN ROCKS

Exhibit C

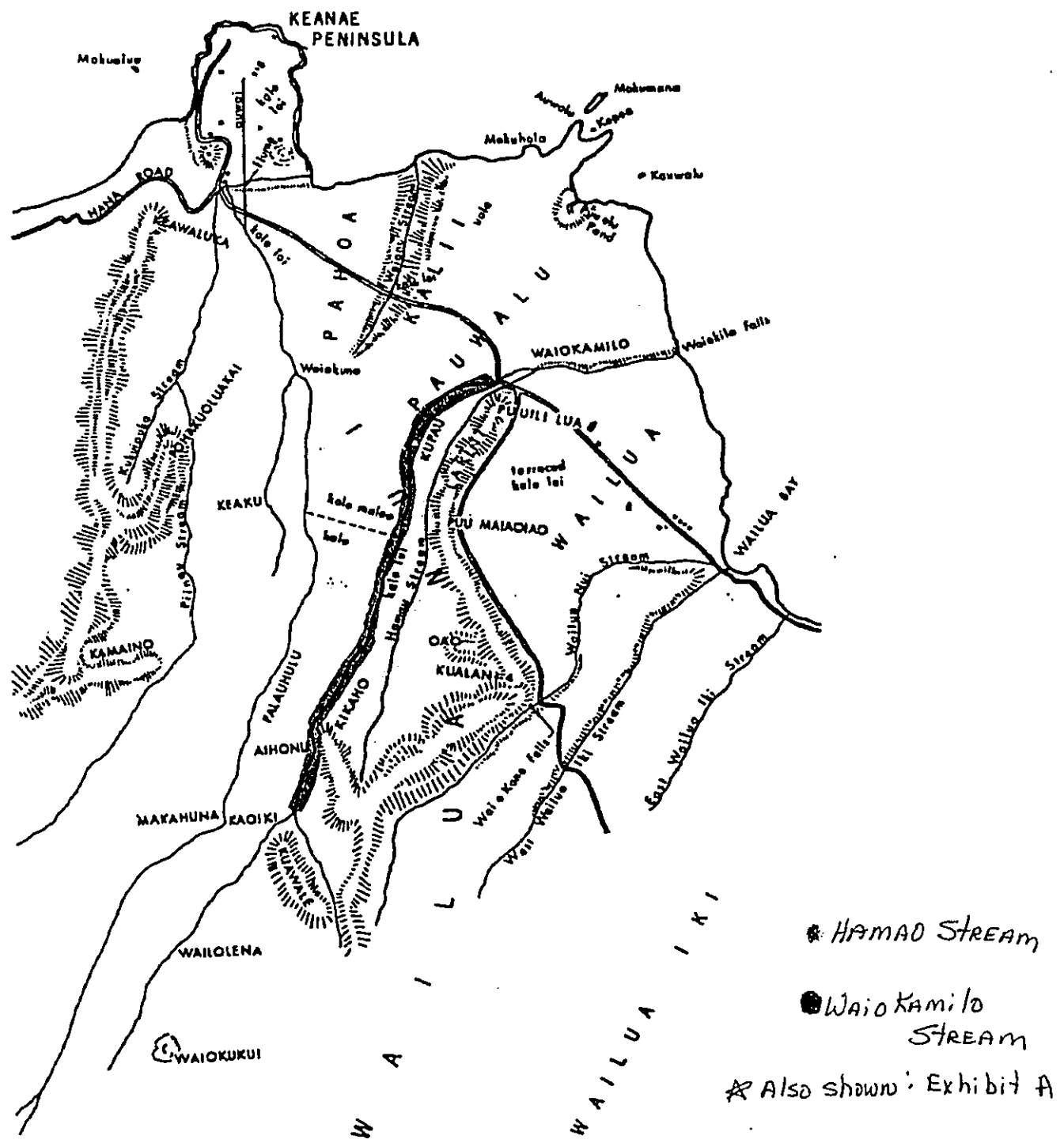


FIGURE 33.—Map showing flume that carried water to lo'i on Ke'anae Peninsula, East Maui.

ATTACHMENTS

- 1) Public Notice, U.S. Army Corps of Engineers
- 2) Letter, Department of the Army
- 3) Hawaii Revised Statutes Chapter 344: State Environmental Policy
- 4) Office of Hawaiian Affairs, Comments and Response
- 5) Office of Environmental Quality Control, Comments and Response
- 6) Lawrence N.C. Ing, Attorney at Law, Comments and Response



**US Army Corps
of Engineers
Honolulu District**

Public Notice

Public Notice No. GP95-003

Date: February 28, 1997

Reply to:
District Engineer
U.S. Army Corps of Engineers
Building 230
Ft. Shafter, HI 96858

Respond by: N/A

**SPECIAL PUBLIC NOTICE
GENERAL PERMIT GP 95-003 FOR
TARO LO'I RESTORATION IN THE STATE OF HAWAII**

1. Interested parties are hereby notified that a general permit authorizing restoration of abandoned taro lo'i (fields) and farming of taro in waters of the United States, including wetlands, in the State of Hawaii, is being issued to the general public, groups, and agencies, effective this date.
2. A copy of the general permit is attached. Please note excluded areas and the limitations and conditions on work to be authorized by GP95-003.
3. A public notice announcing the proposed general permit was issued on September 14, 1995. The notice listed the proposed limitations and conditions of the general permit and invited comments from interested parties.
4. All appropriate comments received in response to the public notice were incorporated into the general permit and addressed when the permit and the Statement of Findings to support issuance of the permit were prepared.
5. The Corps received a blanket Coastal Zone Management (CZM) Program consistency determination that covers all projects authorized by GP95-003 on January 27, 1997. All conditions of the consistency determination are incorporated in and made part of the general permit. The Corps deemed the Section 401 Water Quality Certification (WQC) for GP95-003 waived. Therefore, applicants for general permit GP95-003 do not require individual WQC or CZM consistency determinations.
6. Interested parties are invited to submit any additional comments and suggestions to help us improve this and other general permits. Written comments should be sent to the address shown on the letterhead and should refer to GP95-003. Further information may be obtained from Operations Branch, Building T-1, Fort Shafter, telephone (808) 438-9258.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96858-5440

Effective Date: February 28, 1997
Expiration Date: February 28, 2002

DEPARTMENT OF THE ARMY
GENERAL PERMIT GP 95-003
TARO LO'I RESTORATION IN THE STATE OF HAWAII

1. **INTRODUCTION:** In accordance with Part 325 of Title 33, Code of Federal Regulations, the District Engineer of the U.S. Army Corps of Engineers, Honolulu Engineer District (Corps), authorizes this general permit pursuant to Section 404 of the Federal Clean Water Act, (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). Under this general permit, the Secretary of the Army authorizes the general public, groups, and public agencies public to restore abandoned taro lo'i (fields) and farm taro in waters of the United States, including wetlands, under the jurisdiction of the Honolulu District, subject to the following specifications, limitations, and conditions.

2. **APPLICABLE AREAS:** This permit applies to waters of the United States in the State of Hawaii that meet the following characteristics:

- a. The area has been cultivated in taro in the past.
- b. The area retains indications of taro cultivation. Such indications include: existing berms/dikes, existing and/or abandoned auwai (irrigation canals), and/or identification on aerial photographs. Identification on historic maps, deeds or other documents as a lo'i or lo'i system is also sufficient.
- c. The area is presently abandoned (i.e., has not been farmed in any crop for five or more years) and has been delineated as a jurisdictional water of the U.S.

Please note that a Department of the Army (DA) permit is not required for taro farming or lo'i restoration work that does not impact waters of the U.S. Waters of the U.S. include, but are not limited to, coastal areas, wetlands, streams, some auwai.

3. **SPECIFICATIONS AND LIMITATIONS:** This permit authorizes the following activities:

- a. Clearing and/or removal of existing vegetation.
- b. Excavation and discharge of dredged or fill material, including vegetation and discharges incidental to excavation activities, within the lo'i for the purposes of readying the field for cultivation and for the planting itself.

c. Reconstruction and maintenance of existing berms, including placement of fill or excavated material.

d. Soil tilling, including harrowing, discing, or other means, by hand or mechanical equipment.

e. Planting, maintenance, and harvesting of taro and other appropriate replacement/rotation crops (e.g., other wetland crops such as rice, lotus, or ong choy) within the lo'i..

f. Discharge of fill to divert irrigation water from existing auwai.

g. Repair and reconstruction of existing auwai, including sediment excavation or dredging, to conform, as *closely as possible*, to *original dimensions*.

h. Repair and replacement of existing diversions (i.e., "waterheads") in existing auwai and streams.

i. This permit does not limit the areal extent of projects, but limits land disturbance to a maximum of one acre at any one time.

4. EXCLUDED AREAS AND ACTIVITIES: This general permit does not authorize the following:

a. Restoration of taro lo'i when the Corps determines that the public interest requires regulation through an individual permit.

b. Excavation of new auwai in wetland areas or development of new taro lo'i in previously undisturbed areas.

c. Construction of new waterheads (diversions) in natural streams or rivers.

d. Restoration of taro lo'i in areas where properties included in or eligible for inclusion in the National Register of Historic Places are located, unless the State Historic Preservation Officer has determined that the authorized activities would have "no adverse effect" on historic properties.

e. Restoration of taro lo'i in areas where federally listed species or their designated critical habitat would be adversely affected.

f. Restoration of taro lo'i in Class I waters (as defined in the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 54, Water Quality Standards) that are currently used, or have the potential to be used, for drinking water.

g. Discharges of significant quantities of fill in established regulatory floodways, unless engineering analyses demonstrate that the proposed work will not result in an increase in flood levels in the area during the base flood discharge.

h. A change in use of the project area (e.g., from wetland taro production to upland papaya farming).

5. GENERAL CONDITIONS: The following general conditions apply to all activities authorized under this general permit:

a. You must maintain the restored lo'i, water diversions, and other work authorized by this general permit in good condition and in conformance with all terms and conditions of this permit. This requirement remains valid if you abandon the permitted activity, although a good faith transfer to a third party may be made in compliance with General Condition c. Abandonment of authorized projects may require restoration of the area.

b. If you discover any historic or archaeological remains during construction or operation of the permitted activity, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

c. If you sell or transfer the property associated with an authorized project, you must obtain the transferee's written agreement to comply with all terms and conditions of this permit. You must forward a copy to this office to validate the transfer of authorization.

d. You must allow representative(s) from this office to inspect the permitted activity at any time deemed necessary to ensure that it is in compliance with the terms and conditions of this permit.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to property or rights of others.

g. You must obtain any other Federal, State or local approvals required by law.

h. This permit does not authorize interference with any existing or proposed Federal project.

i. In issuing authorizations under GP 95-003, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or its use as a result of other permitted or unpermitted activities or from natural causes.

2. Damages to the permitted project or its use as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activities authorized by GP 95-003.

4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension, or revocation of GP 95-003 or any individual authorization.

j. The determination of this office that issuing authorization to undertake an individual project under this general permit is not contrary to the public interest was made relying on the information you provide in connection with the request for work authorization.

k. This office may reevaluate its decision on this general permit or an individual authorization at any time the circumstance warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this general permit.
2. The information you provided in connection with the request for work authorization proves to be false, incomplete or inaccurate.

3. Significant new information surfaces which this office did not consider in reaching the original decision to issue the general permit or an individual authorization.

Reevaluation may result in a determination to modify, suspend or revoke the general permit or an individual authorization or to use enforcement procedures. Enforcement may lead to legal action where appropriate. You will be required to pay for any corrective measure ordered by the Corps.

1. If an individual activity authorized by this general permit is not completed within two years of authorization (the Notice of Authorization will specify expiration date) the authorization, if not previously modified, revoked or specifically extended, will automatically expire. Authorized activities which have commenced, or are under contract to commence before the date of the expiration will have twelve months to be completed under the present terms and conditions of the general permit. If the general permit GP 95-003 expires prior to the expiration date on the Notice of Authorization, the terms and conditions of GP 95-003 will remain valid until such date.

m. Unless circumstances exist that require prompt completion of the authorized activity or a reevaluation of the decision to authorize a project under this general permit, the Corps will normally give favorable consideration to a request for an extension of the time limit for completing the permitted work.

6. SPECIAL CONDITIONS: The following special conditions apply to all activities authorized under this general permit. The purpose of these special conditions is to ensure that no adverse water quality or other environmental impacts occur as a result of the restoration of taro lo'i.

- a. When the Corps is appropriately notified by either the U.S. Fish and Wildlife Service or the State Department of Land and Natural Resources that an individual activity or activities is adversely affecting fish or wildlife resources or their harvest, the Corps will direct the permittee(s) to perform remedial measures. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect.

b. No activity authorized by this general permit may substantially disrupt the movement of those species of aquatic life indigenous to any natural stream, including those species which normally migrate through the area.

c. You must take extreme care to ensure that no debris, petroleum products, or other deleterious materials or wastes be allowed to fall, flow, leach, or otherwise enter any water body.

d. Berms may not exceed three feet in height (as measured from the bottom of the lo'i). Material to be used for fill and/or berm restoration must consist of clean sediment or soil, preferably obtained at the site.

e. All exposed banks, including lo'i berms and the banks of auwai must be stabilized with vegetation. Vegetation must be established immediately upon completion of construction activities, either by seeding and/or with cuttings. Vegetation may require fertilization and/or temporary irrigation to become established. To the extent practicable, berm plantings should consist of native species. Vegetation on the berms should be mowed or cut by hand once it has become established. Burning of vegetation on berms requires a permit from the State Department of Health and County Fire Department and may vary by island.

f. Where possible and practicable, existing inlets and outlets to lo'i and auwai will be restored and used. However, outlets should be placed far enough above the bottom of the field to minimize the amount of sediment leaving the lo'i.

g. Where possible and practicable, outflow from lo'i must be discharged into adjacent lo'i or the same auwai from which the water was diverted.

h. Diversions (waterheads) must be repaired or reconstructed of concrete, wood, or some other stable material. Gravel or other unconsolidated material can be used only for diversions within auwai.

i. Reconstruction or repair of water diversions, or other activities that may involve soil disturbance within the water, can occur only after water flow has been stopped or has been diverted away from the area of construction.

j. Construction or operation of the permitted activities cannot adversely impact flooding in downstream or upstream areas.

k. No pesticides are permitted in the lo'i or in auwai. Only pesticides registered for use on berms and along waterway banks are permitted for use. Follow all instructions on the pesticide label.

l. All staging and storage areas must be located outside of waters of the U.S.

m. You must take all precautions necessary to ensure that reconstruction and production activities do not adversely impact federally listed Hawaiian waterbirds (Hawaiian stilts, coots, ducks and moorhen).

n. An individual (who can be the applicant) will be designated responsible for all monitoring and for ensuring that authorized activities are performed with a minimum of environmental harm. This individual's name and a contact telephone number must be provided to the Corps. This person will perform, or be responsible for, monitoring before, during and after construction. This person will also report appropriate information to the Corps.

o. You must perform monitoring consisting of visual inspection of the project site(s), documented with photographs and written descriptions, whichever are most appropriate. Photographs should be taken prior to, during and after reconstruction activities, as well as (to the extent possible) before, during and after unusual events, such as large storms. Particular care will be made to document increases in turbidity (muddy water) outside of the lo'i or water diversion site as well as actions taken to minimize the spread of turbidity.

p. If you observe a turbidity plume and/or floating petroleum (oil) outside of the lo'i or water diversion site, the designated individual will be responsible for stopping on-going in-water work (such as excavation). You must notify the Corps as soon as practicable and modify the activity causing the plume so that spread of the plume or oil is contained. The responsible individual will report the event and the measures taken to correct the situation (including photographs) to the Corps as soon as practicable. Work shall continue only after the plume or oil is no longer visible.

q. Water inlets and outlets must be closed off before and during the following activities to minimize the spread of turbidity downstream:

1. soil cultivation
2. application of soil ammendments such as lime or fertilizer (see Special Condition "r")
3. planting
4. harvesting

If water levels need to be increased during or following any of these operations, inlets may be opened, but outlets must remain closed. The outlet should not be opened until the water within the lo'i is clear. To the extent practicable, the lo'i and surrounding berms should be dry before the start of any excavation or filling activities.

r. Soil should be tested to determine proper fertilizer application rates. Lo'i outlets must be closed for at least one week after the fertilizer has been applied. Animal waste must not be used as a soil ammendment, but "green manure" (vegetation debris) is acceptable and may be preferred in some instances. Additional fertilizer may be applied during the growing season. Again, the inlet and outlet to the lo'i will be blocked off during this process and no flow-through of irrigation water should occur for at least one week following the start of fertilizer application to minimize downstream impacts of increased nutrients.

7. PROCEDURES FOR WORK AUTHORIZATION: You must use the following procedures for authorization of individual activities under this general permit:

a. You must notify this office in writing of the proposed work at least 30 days prior to the planned date of work. The notification must include map(s) and drawings which show the lo'i to be restored, its (their) dimensions, location, and a description of the proposed construction practices.

b. When the Corps receives sufficient information from the applicant, the Corps will notify the State Historic Preservation Officer, U.S. Environmental Protection Agency, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Coastal Zone Management Program Office, Department of Health and the State Department of Land and Natural Resources, Water Commission and request comments on the proposed activity.

c. This office will review the request to determine if the proposed activity conforms to the conditions of the general permit. If the proposed project can be authorized under the general permit, we will inform the applicant in writing. You cannot begin any work in waters of the U.S., including wetlands, prior to receipt of the letter of authorization. If the proposed work does not conform to the general permit, this office will notify the applicant that the application must be processed under the Corps' individual permit procedures (or Nationwide general permit program, where appropriate). We would then initiate permit processing under the appropriate permit procedures.

d. The length of time required to process each request under this general permit will be directly related to the adequacy and completeness of the information submitted by the applicant.

The general permit will become effective on the date of the District Engineer's signature.



RALPH H. GRAVES
Lieutenant Colonel, U.S. Army
District Engineer
Honolulu Engineer District
U.S. Army Corps of Engineer



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PACIFIC OCEAN DIVISION, CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

May 13, 1997

Operations Branch

Mr. Edward Wendt
President
Na Moku Aupuni o Ko'olau Hui
HC1, Box 62 Wailuanui Road
Haiku, Hawaii 96708

Dear Mr. Wendt:

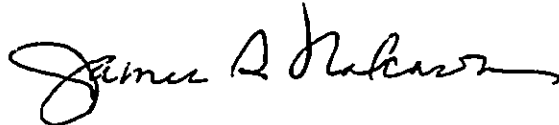
Thank you for your letter of April 1, 1997, addressed to Lieutenant Colonel Graves and your interest in the U.S. Army Corps of Engineers regulatory program. As you noted, the Corps recently issued a regional general permit for restoration of taro lo'is in the State of Hawaii (GP 95-003). The purpose of the general permit is to reduce delays, duplications, paperwork, and resource demands in preparing permit applications and permit processing. Authorization is also intended to enable prompt action and efficient scheduling of these minor activities. As with all general permits, the activities to be authorized under GP 95-003 are not expected to have any significant adverse environmental effects, either individually or cumulatively.

It is very likely that GP 95-003 would be applicable to restoration of abandoned lo'i within your ahupua'a. I have enclosed a copy for your review and use. Please feel free to call Ms. Kathleen Dadey of my Operations staff at (808) 438-9258, extension 15, if you have any questions on the general permit. Ms. Dadey is also available to provide an informational presentation to your group on site in Maui.

As for the concerns you raised regarding stream diversions in East Maui, the Corps does not have regulatory jurisdiction over diversion of water. That responsibility lies with the State Water Commission. A Department of the Army permit is required, however, for placement of fill material in streams, such as might be used for a stream diversion.

Thank you again for your input. Please feel free to call Ms. Dadey if you would like additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Nelson".

Ray H. Jyo, P.E. ✓
Director of Engineering
and Technical Services

Enclosure

REP. HERMINA MORITA

TEL: 1-808-586-8437

Mar 19 '98

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Phone #		Phone #	586-8435		
Fax #	248-7097	Fax #			

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[CHAPTER 344] STATE ENVIRONMENTAL POLICY

SECTION

- 344-1 PURPOSE
- 344-2 DEFINITIONS
- 344-3 ENVIRONMENTAL POLICY
- 344-4 GUIDELINES

[§344-1] Purpose. The purpose of this chapter is to establish a state policy which will encourage productive and enjoyable harmony between people and their environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawaii. [L 1974, c 247, pt of §1; gen ch 1993]

[§344-2] Definitions. As used in this chapter unless the context otherwise requires:

"Agency" means any department, office, board, or commission of the State or county government that is a part of the executive branch of that government.

"Environment" means the complex of physical and biological conditions that influence human well-being, including land, air, water, minerals, flora, fauna, energy, noise, and places of historic or aesthetic significance. [L 1974, c 247, pt of §1]

Revision Note

Numeric designations deleted.

[§344-3] Environmental policy. It shall be the policy of the State, through its programs, authorities, and resources to:

- (1) Conserve the natural resources, so that land, water, mineral, visual, air and other natural resources are protected by controlling pollution, by preserving or augmenting natural resources, and by safeguarding the State's unique natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawaii.
- (2) Enhance the quality of life by:

344-3

HEALTH

- (A) Setting population limits so that the interaction between the natural and artificial environments and the population is mutually beneficial;
- (B) Creating opportunities for the residents of Hawaii to improve their quality of life through diverse economic activities which are stable and in balance with the physical and social environments;
- (C) Establishing communities which provide a sense of identity, wise use of land, efficient transportation, and aesthetic and social satisfaction in harmony with the natural environment which is uniquely Hawaiian; and
- (D) Establishing a commitment on the part of each person to protect and enhance Hawaii's environment and reduce the drain on nonrenewable resources. [L 1974, c 247, pt of §1; gen ch 1993]

§344-4 Guidelines. In pursuance of the state policy to conserve the natural resources and enhance the quality of life, all agencies, in the development of programs, shall, insofar as practicable, consider the following guidelines:

- (1) Population.
 - (A) Recognize population impact as a major factor in environmental degradation and adopt guidelines to alleviate this impact and minimize future degradation;
 - (B) Recognize optimum population levels for counties and districts within the State, keeping in mind that these will change with technology and circumstance, and adopt guidelines to limit population to the levels determined.
- (2) Land, water, mineral, visual, air, and other natural resources.
 - (A) Encourage management practices which conserve and fully utilize all natural resources;
 - (B) Promote irrigation and waste water management practices which conserve and fully utilize vital water resources;
 - (C) Promote the recycling of waste water;
 - (D) Encourage management practices which conserve and protect watersheds and water sources, forest, and open space areas;
 - (E) Establish and maintain natural area preserves, wildlife preserves, forest reserves, marine preserves, and unique ecological preserves;
 - (F) Maintain an integrated system of state land use planning which coordinates the state and county general plans.
 - (G) Promote the optimal use of solid wastes through programs of waste prevention, energy resource recovery, and recycling so that all our wastes become utilized.
- (3) Flora and fauna.
 - (A) Protect endangered species of indigenous plants and animals and introduce new plants or animals only upon assurance of negligible ecological hazard;
 - (B) Foster the planting of native as well as other trees, shrubs, and flowering plants compatible to the enhancement of our environment.
- (4) Parks, recreation, and open space.
 - (A) Establish, preserve and maintain scenic, historic, cultural, park and recreation areas, including the shorelines, for public recreational, educational, and scientific uses;

STATE ENVIRONMENTAL POLICY

344-4

- (B) Protect the shorelines of the State from encroachment of artificial improvements, structures, and activities;
- (C) Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people.
- (5) Economic development.
 - (A) Encourage industries in Hawaii which would be in harmony with our environment;
 - (B) Promote and foster the agricultural industry of the State; and preserve and conserve productive agricultural lands;
 - (C) Encourage federal activities in Hawaii to protect the environment;
 - (D) Encourage all industries including the fishing, aquaculture, oceanography, recreation, and forest products industries to protect the environment;
 - (E) Establish visitor destination areas with planning controls which shall include but not be limited to the number of rooms;
 - (F) Promote and foster the aquaculture industry of the State; and preserve and conserve productive aquacultural lands.
- (6) Transportation.
 - (A) Encourage transportation systems in harmony with the lifestyle of the people and environment of the State;
 - (B) Adopt guidelines to alleviate environmental degradation caused by motor vehicles;
 - (C) Encourage public and private vehicles and transportation systems to conserve energy, reduce pollution emission, including noise, and provide safe and convenient accommodations for their users.
- (7) Energy.
 - (A) Encourage the efficient use of energy resources.
- (8) Community life and housing.
 - (A) Foster lifestyles compatible with the environment; preserve the variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods which reflect the culture and mores of the community;
 - (B) Develop communities which provide a sense of identity and social satisfaction in harmony with the environment and provide internal opportunities for shopping, employment, education, and recreation;
 - (C) Encourage the reduction of environmental pollution which may degrade a community;
 - (D) Foster safe, sanitary, and decent homes;
 - (E) Recognize community appearances as major economic and aesthetic assets of the counties and the State; encourage green belts, plantings, and landscape plans and designs in urban areas; and preserve and promote mountain-to-ocean vistas.
- (9) Education and culture.
 - (A) Foster culture and the arts and promote their linkage to the enhancement of the environment;
 - (B) Encourage both formal and informal environmental education to all age groups.
- (10) Citizen participation.
 - (A) Encourage all individuals in the State to adopt a moral ethic to respect the natural environment; to reduce waste and excessive

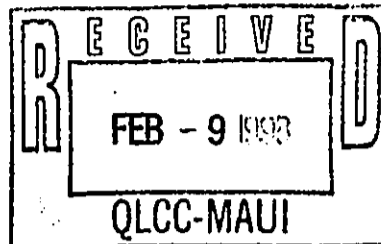
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HEALTH

consumption; and to fulfill the responsibility as trustees of the environment for the present and succeeding generations; and
(B) Provide for expanding citizen participation in the decision making process so it continually embraces more citizens and more issues. [L 1974, c 247, pt of §1; am L 1976, c 27, §2; am L 1985, c 76, §1; gen ch 1993]

Case Notes

No mandate to adopt guidelines prior to making decisions on programs. 63 H. 453, 629 P.2d 1134.



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500

HONOLULU, HAWAII 96813-5249

PHONE (808) 594-1888

FAX (808) 594-1865

February 04, 1998

Ms. Patty Neal
Na Moku Aupuni O Ko'olau Hui
Queen Lili'uokalani Children's
Center/Lili'uokalani Trust
1791 Wili Pa Loop
Wailuku, HI 96793

Subject: Draft Environmental Assessment (DEA) for General
Lease of TMK 1-1-08-5 for General Agriculture and
Aquaculture Purposes

Dear Ms. Neal:

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for General Lease of TMK 1-1-08-5 for General Agriculture and Aquaculture Purposes. Na Moku Aupuni O Ko'olau Hui is leasing about 121 acres, approximately 68 acres of agricultural lands and 53 acres of conservation lands. The intent is to use these lands for taro production and related activities.

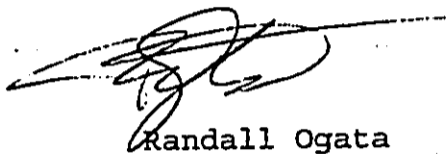
The Office of Hawaiian Affairs (OHA) concurs with your efforts of strengthening the economic base of residents in the Wailuanui ahupua'a. OHA is keenly aware of the high unemployment rate in the area and finds your proposal essential in providing residents with alternative sources of income. OHA's concern at this time is that the use of conservation lands for agricultural purposes may trigger a conservation district use permit.

Also OHA urges the applicant to include in the DEA information on management strategies for (i) stream restoration and conservation of wildlife habitats, and (ii) taro production. This additional information will certainly strengthen the feasibility of the project.

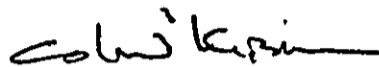
Letter to Ms. Patty Neal
February 04, 1998
Page 2

Please contact Colin Kippen (594-1938), Officer of the
Land and Natural Resources Division, or Luis A. Manrique
(594-1758), should you have any questions on this matter.

Sincerely yours,



Randall Ogata
Administrator



Colin Kippen
Officer, Land and
Natural Resources
Division

cc: Board of Trustees



QUEEN LILI'UOKALANI CHILDREN'S CENTER
LILI'UOKALANI TRUST

March 17, 1998

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FAX 876-5613

KO'OLAUPOKO UNIT
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53-516 KAMEHAMEHA HIGHWAY
HAU'ULA, HI 96717
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FAX 328-7587

MOLOKA'I UNIT
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KAUNAKAKAI, HI 96748
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FAX 553-5816

MAUI UNIT
1791 WILI PA LOOP
WAILUKU, HI 96793
PHONE 242-8888
FAX 242-1576

KAUAI UNIT
4530 KAU ROAD
LIHUE, HI 96768
PHONE 245-1873
FAX 245-2187

Mr. Randall Ogata, Adm.
Mr. Colin Kippen, Officer
Land and Natural Resources Division
State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Blvd. Suite 500
Honolulu, Hawaii 96813-1888

Re: Draft Environmental Assessment for General Lease of TMK 1-1-08-5
for General Agriculture and Aquaculture Purposes

Dear Mr. Ogata and Mr. Kippen,

Thank you for your comments regarding the above DEA. Your first comment refers to the use of Conservation District land. Please note the first paragraph under "Description of the Proposed Project", subtitle "Technical Characteristics". In this portion of the document it is explained that the Conservation District land will be left as it is. Taro cultivation and other agriculture/aquaculture will only be conducted within the Agriculture District.

Additional information on management strategies for stream restoration, conservation of wildlife habitats and taro cultivation have been included in the Final Draft. Hand tools and manual labor will be used inside the streams rather than heavy equipment in order to minimize disturbance of the natural wildlife habitat. The stream clearing process will actually restore much of the habitat which has been destroyed. The plan to utilize composted debris from the stream clearing process and other natural fertilizers in the restored lo'i will also protect the rare wildlife species. All aspects of the planned project serve to restore and protect the natural environment within the subject land parcel.

Thank you again for this opportunity to respond to your comments.

Sincerely,

Patty Neal, A.C.S.W., L.S.W.
Community Development Coordinator
Queen Lili'uokalani Children's Center

BENJAMIN J. CAYETANO
GOVERNOR



GARY GILL
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 588-4186
FACSIMILE (808) 588-4186

February 23, 1998

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

Dear Mr. Wilson:

Subject: Draft Environmental Assessment for the Keanae Restoration
of Lo'i Kalo and Taro Cultivation by Na Moku Aupuni O
Ko'olau Hui, Maui

This is in response to the review of the subject document. We have
the following questions and comments.

1. Please show on maps the following information:
 - a) location of the lot with the parcel boundaries clearly marked;
 - b) state and county land use and zoning designations for the affected parcel; and
 - c) locations of the Waiokamilo and Kualani streams.
2. Please describe if water sources other than the Waiokamilo and Kualani streams will be required to meet the project's water requirement.
3. Please describe if any conservation measures will be used to reduce soil loss.
4. Please consult with the following parties:
 - a) U.S. Army Corp of Engineers to determine whether general permit GP 95-003 for Taro Lo'i Restoration in the State of Hawaii is applicable to this project (see attached); and
 - b) neighboring parcel owners.

Mr. Wilson
Page 2

5. Please describe alternatives to this project. Examples of alternatives include:
 - a) no action; and
 - b) different locations for the proposed project.
6. Please discuss the findings and reasons for supporting the FONSI determination based on the significant criteria listed in §11-200-12 of the EIS rules. Please see the enclosed example.
7. Please list all federal state and county permits that would be required for this project.

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

Sincerely,



Gary Gill
Director

c: ~~Edward~~ Wendt



March 20, 1998

Mr. Gary Gill, Director
State of Hawaii
Office of Environmental Quality Control
236 S. Beretania St. Suite 702
Honolulu, Hi. 96813

Re: Draft Environmental Assessment for the Restoration of Lo'i Kalo and Taro Cultivation by Na Moku Aupuni O Ko'olau Hui, Mau

Thank you for the comments submitted by your office regarding the above Draft Environmental Assessment (DEA). Answers to all comments received have been incorporated into the Final Draft, but we wished to respond to your office directly. Enclosed is a copy of the Final Draft with all exhibits and attachments included.

Re: Question 1) referring to parcel boundaries, zoning designations and locations of streams:

Please see Exhibits A, B, and C. Exhibit A shows clearly marked boundaries of the subject parcel. Exhibit B indicates the Agriculture District and Conservation District areas. These classifications correspond to state and county land use and zoning designations. Exhibit C shows the locations of Hamao and Waiokamilo Streams. The DEA stated in error that Kualani and Waiokamilo Streams border the land parcel. Additional map investigation shows that it is actually Hamao and Waiokamilo Streams that both flow along a portion of the parcel's boundaries.

Re: Question 2) referring to additional water sources required for the project:

No water sources other than Waiokamilo and Hamao Streams will be required to meet the project's water requirement.

Re: Question 3) Please describe if any conservation measure will be used to reduce soil loss:

Traditional Native Hawaiian taro cultivation methods will be used which include opening the abandoned existing 'auwai system. The abandoned 'auwai is in disrepair due to the recent presence of destructive cattle in the area. Stream water will flow into the lo'i via the interconnected 'auwai and lo'i system. By utilizing this traditional practice, soil loss is controlled. The plan to utilize composted debris from the stream clearing process and natural-based fertilizers will serve to rebuild and maintain soil components in the long term.

Re: Question 4) Please consult with a) U.S. Army Corps of Engineers to determine whether general permit GP 95-003 for Taro Lo'i Restoration in the State of Hawaii is applicable to this project and b) neighboring parcel owners:

Attachments 1 and 2 are copies of GP 95-003 and a letter received by Na Moku Aupuni O Ko'olau Hui in May, 1997 which refers to the planned restoration of abandoned lo'i within the ahupua'a. In a telephone conversation with Army Corps of Engineers Operations staff, it was determined that when the subject

HC1 Box 62 Wailuanui Rd. - Haiku, Hawaii 96708 - Phone (808) 248-8658 - Fax (808) 248-7097

parcel is acquired by Na Moku, the Army Corps of Engineers should be contacted to obtain a Notice of Authorization to proceed with the project under the regulations set forth in General Permit GP 95-003.

Correspondence between neighboring parcel owners Tam and Young is attached to the Final DEA. Family members which comprise the ownership of an adjacent parcel known as "Lakini" have often expressed their support of efforts to clear streams and restore water flow. Blockage of streams mauka of current taro cultivation has resulted in flooding upstream and loss of water flow to the lo'i for many years.

Re: Question 5) which asks for alternatives to the proposed project.

There are no possible alternatives to this project. No action would mean leaving the streams blocked which has caused problems within the ahupua'a for years. No action would also eliminate the job creation aspect of the plan.


Re: Question 6) which asks for discussion of the FONSI (Findings of No Significant Impact) determination based on significance criteria listed in Department of Health Rules 11-200-12:

Thank you for including a copy of the significance criteria. We have responded in detail in the last section of the Final DEA entitled DETERMINATION, FINDINGS AND REASONS FOR SUPPORTING DETERMINATION. Please note this section of the document.

Re: Question 7) which asks for a list of all federal, state, and county permits required for the project:

All communication with Federal, State of Hawaii and County of Maui agencies has indicated that the necessity for permits will be determined after the acquisition of the subject land parcel.

Thank you again for this opportunity to respond to the comments.

Sincerely,

Edward Wendt, President
Na Moku Aupuni O Ko'olau Hui

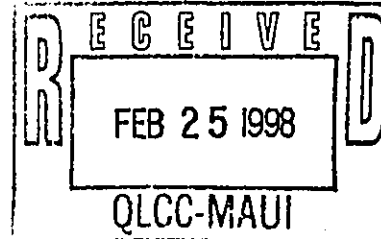
LAWRENCE N.C. ING
PAUL L. HORIKAWA
JEFFREY T. KUWADA
DAVID M. JORGENSEN

2145 WELLS ST., STE. 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2222
(808) 242-4555 • FAX: (808) 244-6964

COPY

LAW OFFICES OF
ING, HORIKAWA & KUWADA

February 24, 1998



Philip Ohta, Land Agent (Via Hand Delivery)
Department of Land & Natural Resources
State of Hawaii
54 S. High Street, Ste. 101
Wailuku, Hawaii 96793

Office of Environmental Quality Control (Via Mail)
235 South Beretania St., #702 & Fax
Honolulu, Hawaii 96813

Re: State Lease of Keanae, Maui Property,
T.M.K. (2) 1-1-08-5, 120.97 acres

Dear Mr. Ohta & Ladies and Gentlemen:

My client Anne V. Young, owner of the adjacent parcel of land identified as T.M.K. (2) 1-1-08-6, 92.46 acres, has reviewed the Draft Environment Assessment prepared by Patty Neal, A.C.S.W., L.S.W. Said Draft has incorrectly identified the taro factory and abandoned "house" structure as being on the State property when they are in reality on my client's property.

The location of the property is also not correctly described.

Sincerely,

LAWRENCE N. C. ING

LAWRENCE N. C. ING

tam.p35/95-543/2553.03/11/kk

cc: Anne V. Young
Mr. & Mrs. Anthony Tam
Patty Neal, A.C.S.W., L.S.W. ✓



QUEEN LILI'UOKALANI CHILDREN'S CENTER
LILI'UOKALANI TRUST

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March 20, 1998

Mr. Lawrence N.C. Ing, Attorney at Law
2145 Wells St. Suite 204
Wailuku, Hawaii 96793-2222

Dear Mr. Ing,

In reference to your letter on behalf of your client, Anne V. Young, dated February 24, 1998, please note the last sentence in the second paragraph of the Draft Environmental Assessment under the heading "Subject Parcel". This was the most pertinent and accurate statement regarding the description of the land parcel since no formal survey has been done recently. Further information provided under the heading "Existing Site Conditions" was intended as a general description of noticeable landmarks seen in the area as one drives or walks up the unpaved road which enters the valley. All those involved apologize for any confusion the wording of the description has caused and hope that the corrected Final DEA is satisfactory. Please see paragraph two (2) in "Existing Site Conditions".

Further study of several maps of the area have shown that the streams which pass along part of the boundaries of the parcel are Hamao and Waiokamilo Streams. Kualani Stream does not appear to be present in the parcel as previously stated in the DEA. Copies of maps showing clearer boundary designations are included with the enclosed copy of the Final Draft Environmental Assessment.

Thank you for this opportunity to respond to your client's significant comments.

Sincerely,
Patty Neal
Patty Neal, A.C.S.W., L.S.W.

cc: Philip Ota