

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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

Hawaii's Volcano Circus
Buildings

MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

98 OCT 29 P3:01

OCT 27 1998

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

SUBJECT: Finding of No Significant Impact for a long term lease
for educational and recreational purposes on vacant State
land at Puna, Hawaii, tmk: (3) 1-2-9-15.

Dear Mr. Gill:

The Department has reviewed the comments received during the 30-day public comment period which began on March 8, 1998. The agency has determined that this project will not have significant environmental effects and has issued a FONSI. Please public this notice in the November 8, 1998 OEQC Environmental Notice.

We have enclosed a completed OEQC Publication Form and four copies of the final EA. Please call contact Charlene Unoki at (808) 974-6203 if you have any questions.

Sincerely,

Handwritten signature of Michael D. Wilson in cursive.

MICHAEL D. WILSON
Chairperson

xc: Hawaii BM
Support Services

1998-11-23-HI-~~FEA~~-Hawaii's
Volcano Circus Buildings

NOV 23 1998

FILE COPY

FINAL ENVIRONMENT ASSESSMENT

HAWAII'S VOLCANO CIRCUS

for the

**PROPOSED ESTABLISHMENT OF THE ADMINISTRATIVE BUILDING AND
ANCILLIARY BUILDINGS**


KEHENA, PUNA, HAWAII

TAX MAP KEY: 1-2-9-15

October 12th 1998

SPECIAL PERMIT APPLICATION
COUNTY OF HAWAII
PLANNING DEPARTMENT

APPLICANT(S): HAWAII'S VOLCANO CIRCUS

APPLICANT'S SIGNATURE:  GRAHAM ELLIS DATE: 1/17/98

ADDRESS: RR 2 Box 4524

PAHOA

HI 96778

LIST APPLICANT'S INTEREST IF NOT OWNER: LEASE

TELEPHONE-BUSINESS: 965-8756 RESIDENCE: 965-0134

REQUESTED USE: Establishment of administrative buildings and
ancillary facilities.

TAX MAP KEY: 1-2-09-15

AREA OF PROPERTY/AREA OF REQUESTED USE: 59.69 acres,

LANDOWNER(S): STATE OF HAWAII

OWNER(S) SIGNATURE: _____ DATE: _____
(May be by letter)

AGENT: _____

ADDRESS: _____

TELEPHONE-BUSINESS: _____ RESIDENCE: _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: _____ COPIES: _____

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- Exhibit A -- Botanical Survey Hawaii's Volcano Circus at Kalapana Seaview
TMK: 1-2-9-15: Puna District, Island of Hawaii, by Tim Tunison, Tunison
Ecological Consulting October 21, 1997
- Exhibit B -- Ornithologist Survey of proposed lease site at Kalapana Seaview
TMK: 1-2-9-15: Puna, Hawaii, by Patrick Hart, Dept. of Zoology,
University of Hawaii at Manoa, November 2, 1997
- Exhibit C -- Archaeological Inventory Survey of proposed lease site for
Hawaii's Volcano Circus at Kalapana Seaview, TMK: 1-2-9-15: Puna, Hawaii,
by Catherine Glidden, MA Archeologist, Hawaii National Park, October 28, 1997
- Exhibit D -- Letters Received From Agencies and Groups Consulted
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1. INTRODUCTION

1.1 Applicant

The applicant, Hawaii's Volcano Circus, a Hawaii non-profit corporation, is requesting a Special Permit for the establishment of its administrative building and ancillary buildings on a State -owned parcel located within the Kehena-Keauohana-Keokea Homesteads in the Puna District, Island of Hawaii.

Hawaii's Volcano Circus, is a non profit organization of teachers and performing artists. HVC has been active with educational, cultural and entertainment programs since 1984, and is based in lower Puna on the Big Island of Hawaii. Our main program is HICCUP (Hawaii Island Community Circus Unity Program).

Our mission is to promote the healthy development of children and the community using the universal and time honored skills of the circus. We offer educational services to the public at large with emphasis on Elementary and Intermediate school age children, teenagers, the aged and disabled especially in isolated rural communities. Our methodology for developing and implementing programs is through partnerships with other educational, civic and charitable organizations. HVC programs serve the communities of Puna, East Hawaii, the Big Island and the State of Hawaii.

Past programs organized by H.V.C. include thirteen International Circus Arts Festivals held on the Big Island plus performances, educational workshops and classes in schools, libraries, churches, festivals, faires, benefits, and other community events. The Hiccup Children's Circus, with children participants from rural Puna and Hilo, has been a regular feature at most Big Island Festivals and Parades in recent years, performing in over 230 community events. H.V.C.'s "Juggling For Success" programs in eight Big Island and two Kauai Schools have served over 6000 students and have been funded by the Hawaii Community Foundation, the D.O.E., the Federal Drug Free Program, the State Foundation for Culture and the Arts, the YWCA Community Youth Activity Program, McInerney, Freer Eleemosynary, George Castle Trust, Atherton Family foundation, Baldwin Foundation, Watumull Foundation, Julia Temple, HEI, Helco and the Wilcox Foundation. Other HVC programs include weekly cultural- recreational programs funded by O.H.A., four community festivals and programs funded by the State Foundation Culture and the Arts, "Dr Seuss in words and actions" a literacy program presented in 15 libraries and schools funded by the Friends of the Libraries plus the highly acclaimed show "Naturally High" funded by the federal Drug Free program. This show with its "positive alternatives to drugs" message was featured on Hawaiian Moving Company (Feb 1996), has been presented in 52 Elementary and Intermediate schools on the Big Island, Kauai, Maui and Oahu and has been funded by the State Foundation Culture & Arts, the American Lung Association, the Atherton Family Foundation, the G. N. Wilcox Trust and the George P & Ida Tenney Castle Trust for presentations at 38 schools on the Big Island, Maui, Oahu and Kauai in 1997/98.

Currently Hiccup Circus classes are held weekly in five different locations in Hilo and Puna. Over 180 students, with a multitude of different ethnic backgrounds, regularly attend these

classes. Hiccup Circus members have received trophy after trophy in local talent shows including 1995 State Champions and 1996 Big Island winners of the Exchange Club Search for Talent event, 1995 Group winners in the Lehua Jaycees Search for Talent. Due to the unique nature of our presentations the Hiccup Circus is increasingly invited to perform throughout the Hawaiian Islands in schools and has performed for First Night in Oahu (1993) and Maui (1994) and four Kauai Festivals (1994/5/6/7). Television appearances have included two features by Hawaiian Moving Company (Jan 1993 and Feb 1996) and several public access shows in Hawaii.

During its development years the Circus has existed without a dedicated headquarters. Now, with major funding for its well established programs and assets including two 15 passenger diesel vans, computers and office equipment, costumes, props and circus arts equipment, an administrative building and facilities for on-site training is essential for us to maintain and develop our programs.

The proposed location is TMK 1-2-9-15, situated within one of the least served and most needy areas of the Puna district. Within a one mile radius there are three subdivisions with over 1200 house lots and a potential population of over 3,000. Located in Puna, Hawaii's Volcano Circus provides additional educational, cultural and recreational benefits for a rural community that is undeniably one with the greatest problems in all of Hawaii and has been recognized by many authorities as being in great need of positive input on social, economic and educational levels. Our program objectives developed from the needs of the children and youth for supplementary activities in school, for more organized after school activities and for opportunities to participate in community events inside and outside their district.

The County of Hawaii leads the State in a multitude of social problems: a suicide rate six times greater than Kauai's and 2-1/2 times more than Oahu's, more child abuse, high infant mortality, more teen pregnancy and more substance abuse than anywhere in the state. (source Hawaii Mental Health Association 1997)

A domestic violence rate more than twice that of Oahu (source: Attorney General 1997). Personal bankruptcy filings increased 71% as compared to 50% statewide 1994-1996 (source: U.S. Bankruptcy Court, 1997). The highest percentage of AFDC clients, 9.14% of the county's population (source: Department of Human Services 1996 AFDC Data). 48,000 persons or 35% of the population receive food stamp assistance (source Department of Human Services, 1996). Lowest per capita income in the state (source: Dept. of Labor and Industrial Relations, 1997).

The State of Hawaii as a whole has serious needs with respect to the education and health of its children and youth. In a recent national revue of spending per pupil Hawaii State ranked second from bottom, and Hawaii was one of only four states whose allocations per student actually dropped during the period from 1985-1995. In the past ten years, while the Hawaii DOE budget has been declining, many educational, recreational and cultural needs of children and youths have continued to grow and remain unfulfilled. Hawaii students in general and Puna students specifically are deprived of adequate cultural and recreational educational activities at school and after school.

It is the view of many authorities that the shortcoming in the provision of these essential services have had serious adverse effects on children and youths. According to the most recent state Department of Education and a Federal Center for Disease Control survey, teenagers use of tobacco and marijuana is up sharply in Hawaii, while alcohol use is holding steady but

at alarming rates, and Hawaii teens lead the nation in suicide attempts. (Hawaii Tribune Herald 3/10/97). Hawaii has the third highest rate in the nation for teen deaths by accident, homicide and suicide. (Casey Foundation 1997 Kids Count Data Sheet.) According to results of the State Dept. Of Education 1995 survey nearly one in three teenage boys in Hawaii carries a weapon occasionally for protection and more than 10 percent carry a gun. Community groups statewide are reporting concerns about the level of violence, the growth of gangs and the negative discrimination affecting our students. Improvements in non violent conflict resolution and cross cultural community relations are seen by many to offer the best possibilities for long term solutions. The County of Hawaii, the particular focus of the HICCUP program has more cases of criminal behavior reported in schools than any other school district in the state. (In 1995/96 2,227 incidents with 28,257 students compared with 1,931 incidents with 35,982 students for 2nd ranked Leeward Oahu.)

Fast growing Puna, in the County of Hawaii, with a population of about 24,000 and an area larger than the island of Oahu, is probably the most economically depressed area in Hawaii and leads the state in teenage pregnancies, domestic violence, and drug abuse, with an exceptionally high population of alienated students, broken homes, low income families and high school drop outs dropouts. (The state of Hawaii as a whole ranks 4th in the nation for high school dropouts, 11th for children living in poverty and 7th for percentage of children living in single family homes.) (Casey foundation 1997 Kids Count Data Sheet) Puna district is seriously lacking in infrastructure, particularly for children's activities, its schools are overcrowded, with disciplinary problems and there are limited social activities available for students outside of school. Due to it's rural location and virtual absence of public transport, the 8,000 students and youths, lack easy access to many recreational, cultural, artistic and social events that are available to other Hawaii children. This area averages about 150" of rain annually, and very often recreational activities planned for outdoors have to be canceled because of inclement weather.

While growing at a rate of 76.8% over ten years (State average 14.9%) Puna has some of the highest levels of poverty in Hawaii. Our programs serve youths from subdivisions which are the most impoverished in the County of Hawaii, perhaps in the whole State. In 1990 (these figures have worsened since then) 22.5 % of all persons, 26% of families, lived below the poverty line (County average was 14.2 % and 10.9% respectively) Average annual income for Puna is the lowest in the County with, in 1990, \$8,205 per capita, \$18,910 for families and \$10,647 for non-families (compared with \$13,169, \$33,186 and \$17,375 for the County). While Hawaii is one of only two states in the nation that lost jobs during 1996/7, unemployment in Puna in 1994 averaged 16.4% and residents with work disabilities averaged 16.1% compared with 7.7% and 9.6 % for the County. (Source: Data Book, County of Hawaii, Department of Research and Development 1995). It is far worse today. Puna also has an extremely high rate of child abuse and neglect, 210 cases reported in 1992 compared with 247 for the whole of Hilo.

In rural Puna, where most people live miles down unpaved roads, there is no dedicated youth center, no public beaches and few accessible park facilities. Pahoia, Keonepoko and Kea'au Schools are all on the State list of Special Needs Schools. The D.O.E. budget cuts have consistently reduced the schools' ability to provide their own funds for cultural and recreational activities. Our circus programs have been developed to meet these needs in three ways. First, by providing Elementary Schools with self esteem programs using juggling as a

means for teaching success, coordination, cooperation and concentration. Second, by offering afterschool and summer programs training children in fun circus skills such as juggling, unicycling, stiltwalking, acrobatics and also music. Third, through performances presented by the HICCUP Children's Circus in schools, libraries and at community events plus television shows which are broadcast on public access TV throughout the state.

In Puna, where most publicity about the district is negative, having a positive and prominent cultural and recreational program like the HICCUP Circus provides a much needed boost in pride for the local community. The positive role model presented to Puna students by the local Hiccup Circus performers can be expected to motivate other children's interest in educational and cultural activities in the district and have far reaching effects.

1.2 Approving Agency

This Environmental Assessment is prepared as part of the Special Permit application. As the proposed action involves the use of State land, this environmental assessment has been prepared pursuant to the requirements of the State Environment Impact Statement (EIS) law and associated rules. The approving agency for the Special Permit is the County of Hawaii Planning Commission. The approving agency for the use of State Land is the State Land Board.

1.3 Agencies Consulted

The following agencies and organizations were consulted in the process of preparing this environmental assessment.

State of Hawaii, Office of Hawaiian Affairs
State Of Hawaii, Department of Health
State of Hawaii, D.L.N.R. State Historic Preservation Division
State Of Hawaii, D.L.N.R. Division of Forestry And Wildlife
The Hawaii State Senate
The Hawaii State House of Representatives

County Of Hawaii, Department of Public Works
County of Hawaii, Planning Department
County of Hawaii, Department of Water Supply
County of Hawaii, Police Department
Hawaii County Council
Puna Community Council
Puna Outdoor Circle
Kalapana Seaview Estates Community Association
The Village Green Society

2. DESCRIPTION OF PROPOSED ACTION

2.1 Location and Ownership

The subject parcel is owned by the State of Hawaii and consists of 59.69 acres. It is located within the Kehena-Keauohana-Keokea Homesteads in the Puna District, Island of Hawaii, and is identified by Tax Map Key: 1-2-9-15.

2.2 Existing Uses

The parcel is currently vacant and was almost entirely covered by lava in 1955. Ohia is the dominant tree on the property, as well as the adjoining properties. Surrounding land uses include the Kalapana Seaview Estates residential subdivision and a 10 acre diversified agriculture farm. Other adjacent properties are agriculturally zoned and are currently vacant.

The district of Puna is a rural community with varied agricultural uses, rural agricultural subdivisions, native forests and barren lava flows scattered throughout this area. The population in 1994 was estimated at over 24,000 people for the district.

2.3 Project Description

2.3.1 Activities

We are asking your support for our proposal to expand our services to the children of Puna and East Hawaii who are greatly in need of more educational and recreational facilities. We are applying to the State Department of Land and Natural Resources for a 30 year lease of TMK 1-2-09-15 a 59.69 acre parcel. Our project proposes to utilize only about 4 acres of this parcel, the remainder will be left untouched and protected to develop as a lowland ohia rainforest. The area to be used is mostly on the 1955 a'a lava flow with vegetation consisting only of lichen and sporadic young ohia trees averaging 6ft in height, less than 5% of the parcel is an older lava flow and has a mixture of guava, ohia, hala and lama trees.

We plan to use the 4 acres to provide a headquarters for HVC's education programs. Facilities would include cindered access roads, an administrative building/pavilion for rehearsals and training, a caretakers cabin, and approximately 12 small (12'x16') student/staff bunkhouses. Numbers using the facilities would vary during the year. Regular weekly classes, workshops and rehearsals would involve about 25 people entering and leaving the land, perhaps six times a week between the hours of 10 am - 9 p.m. The traffic would be light since most of the students would be transported in our company vans, some would arrive on foot or by bicycle and a few in cars. The maximum number of people using the facility at one time would be during the annual winter and summer camps with about 40 students and ten staff attending for a period of two weeks in the winters and four weeks in the summers. It is not our intention to hold public performances in this facility. Our project will have very little environmental impact since the facilities to be built will not be visible from any existing public roads nor any existing residences. We will be clearing and grading a maximum area of 4 acres for all our structures, access roads and

facilities. We plan to use access from Pu'ulena Street in Kalapana Seaview Estate subdivision. Telephone and electric services will not require any new poles. The potential social impact is that the children of Kalapana Seaview Estates, Lower Puna and the other communities served by our programs would have another much needed educational and recreational facility. Community esteem, development and services for children and the community would all be greatly enhanced.

2.3.2 Physical Characteristics and Use

The administrative building/pavilion will be approximately 42' x 72' double story building divided into space for a rehearsal and training area, two offices, costume and prop storage, workshops, lanai's, a kitchen, bathrooms, showers, equipment storage and vehicle parking. This building will be used as our non profit organization headquarters and facility for weekly programs and periodic circus camps. The caretakers cabin will be a minimally sized, permitted, one bedroom, single story structure and would provide simple accommodation for an on site caretaker. About a dozen bunkhouses would provide overnight shelter for resident participants attending circus camps. They would be similar in construction and simplicity to County and State park cabins. The proposed plans for the buildings will include the regulated number of restrooms and washing facilities. The kitchen will be certified. The parking area will be sufficient to accommodate the number of cars expected. No other additional buildings are planned. Estates and would be from Pu'ulena Street.

2.3.3 Timetable and Cost.

Phase 1 of the development would be the grading of the access road, preparation of the building sites and the spreading of cinders. This is expected to cost \$15,000 and be completed in year one of the lease. Phase two would be the construction of the Pavilion and car park with cess pool and water tank. This is expected to cost \$180,000 and be completed in the second year of the lease. Phase three would be the construction of the caretakers house and the bunk houses. This phase is expected to cost \$85,000 and to be completed in the third and fourth years of the lease.

3. ENVIRONMENTAL SETTING, IMPACT, & MITIGATION MEASURES

3.1 Physical Characteristics

3.1.1 Climate

The mean annual rainfall in this area ranges between 75 to 100 inches.

3.1.2 Topography & Soils

The parcel is essentially entirely on the 1955 flow with only 3 acres within an older vegetated kipuka, which is on older (ca. A.D. 1840-1950, Burtchard, 1994) vegetated lava. The vegetation on the 1955 flow is sparse, consisting of lichen covering most of the surface with dispersed young Ohi'a trees. Vegetation within the kipuka is fairly dense with a wide variety of indigenous and introduced species. The Land Study Bureau's Detailed Land Classification report designates the site poorly suited for intensive agricultural activities. The soils series is almost all bare a-a lava with no soil material. It is well drained, with slopes generally about 20%. It is very poorly suited for machine tillability. Under the Agricultural Lands of Importance to the State of Hawaii (ALISH) classificatory system, the subject site is designated "Other Agricultural Land" or not classified.

3.1.3 Natural Hazards

The proposed lease is located on the lower east slopes of Kilauea volcano and is dominated by a 1955 lava flow. The lava flows have created an irregular, undulating landscape. Within the last 1500 years, many lava flows from the Kilauea summit have entered the region. Most of the recent flows have been emitted from Kilauea's east rift zone, including an 1840 and 1955 flow. The lease site is 5 miles from the eastern edge of the flow field that destroyed Kalapana in 1990. This flow field is the product of an ongoing, 15-year long eruption and is now over eight miles wide at the coast. Most of the flow field lies in lava flow hazard Zone 2, just as the lease site does, according to Christina Heliker, Geologist at the Hawaiian Volcano Observatory, Nov. 26, 1996.

The general geology of the area is conducive to the formation of lava tubes and cavities. Soils consist primarily of organic and volcanic ash that is typically very rocky and less than 8 inches deep, and pahoehoe and a'a lava flows. Soils in the Puna region generally have rapid permeability, slow runoff, and slight soil erosion potential as rated by the Soil Conservation Service.

Zone 1 includes summits and rift zones of Kilauea and Mauna Loa, where vents have been repeatedly active in historical times. Recently compiled statistical data by the USGS using digitized geologic maps show that since 1955, at least 35 percent of Zones 1 and 2 on the east rift of Kilauea Volcano have been covered (C. Heliker, November 1996). The new analysis shows that the lava coverage rates, and therefore the hazards, are somewhat higher than indicated on the published Lava Flow Hazard Map (USGS Map MF-2193), although the zonation remains at zone 2 (Volcano Observatory, October, 1995) Zone 3 includes areas less hazardous than zone 2 because of greater distance from recently active vents and/or because of topography. One to five percent of zone 3 has been covered since 1800, and 15 to 75 percent has been covered within the past 750 years.

According to Christina Heliker of the USGS, the statistical probability of lava coverage occurring over the next 50 years in the following zones are: 75 percent in Zone 1; 65 percent in

Zone 2; and 22 percent in Zone 3 (November 1996).

Earthquake Hazard

Most of Hawaii's earthquakes are related directly to volcanic activity. They occur before and during eruptions and during non eruptive underground movements of molten rock (magma). The lease site is in the Kilauea east rift zone where there is a higher risk for potential lava flows and seismic hazards. The island of Hawaii is in seismic zone 4, where great earthquake damage may recur on the order of once every 500 years (Oak Ridge National Laboratory, Oct. 1994; and Hawaiian Volcano Observatory, Oct. 1995). Zone 4 is the highest earthquake zonation and is that of regions in California located near the San Andreas Fault.

According to David Clague, former Scientist-in-charge, Hawaiian Volcano Observatory, (Oct. 1995), "One of the most active earthquake zones in Hawaii is the south flank of Kilauea extending from Kalapana to Punalu'u. Although the area in question is outside this most active region, it is close enough that shaking from earthquakes such as magnitude 7.2 Kalapana earthquake in 1975 or the magnitude 6.1 Kalapana earthquake of 1989 cause damage in this area, particularly to poorly constructed buildings."

For the most part, earthquakes on the island of Hawaii are concentrated beneath Kilauea and Mauna Loa (C. Heliker, USGS, 1990). The likelihood of a damaging earthquake on Kilauea or Mauna Loa probably increases with long-lived activity of the rift zones, but its precise time and magnitude are impossible to predict. (Ibid.). Small, non-damaging earthquakes will be felt more frequently by people living on the slopes of these volcanoes. The effects of a large earthquake under Kilauea or Mauna Loa, however, will not be limited to the immediate area and may cause damage over much of the island (USGS 1990)

Subsidence

The coastal region along the entire south flank of Kilauea is subject to rapid and catastrophic subsidence related to the large earthquakes mentioned in the Earthquake Hazard section, above. Although the area of most severe subsidence during the 1975 earthquake was located within Hawaii Volcanoes National Park, subsidence at Kalapana and Kaimu was about 0.6 meter (nearly 2 feet) and decreased to the east. At Pohoiki the subsidence was still 0.4m (one and a third feet), and at Kapoho, it was about 0.25 meter (8/10 of a foot). The much smaller earthquake in 1989 resulted in much smaller amounts of subsidence. In addition to the subsidence associated with earthquakes, the entire island of Hawaii is sinking at rates of about 4.5 millimeters per year relative to sea level. Such rates seem small but accumulate to significant amounts of subsidence (about 9 inches in 50 years.) (Ref: David Clague, Hawaiian Volcano Observatory, October 1995).

3.1.4 Previous archeological research

There have been general studies of the Puna area starting in the early 1900s with John F.G. Stokes surveys of major heiau; followed by an early 1930s survey of East Hawaii Island by Alfred Hudson. In the 1960s Violet Hansen conducted surveys throughout Puna and in 1970 Virginia H. Loo and William J. Bonk compiled a list of the major significant sites in Puna. Since

the early 1980s there has been a significant amount of research related to the Kilauea East Rift Zone's geothermal potential. These studies have been both specific project area surveys and general predictive model type research.

The archaeological background research(s) has identified a general zonal pattern for the Puna District. Recent research by International Archaeological Research Institute, Inc. (Burchard 1994) has attempted to summarize archaeological and historic literature to better define the zonal pattern. The zonal pattern of land use and settlement that would be representative of the parcel area ahupua'a includes: (1) coastal settlement zone, characterized by "highest density, variety and complexity of prehistoric surface features. Primary aggregations of residential, ceremonial, garden and associated features at sheltered embayments with adjacent inland agricultural soils" (Burchard 1994);

(2) coastal margin agricultural zone characterized by "moderate to high density and variety of surface features spatially linked to coastal settlement and agriculturally productive sediments (Ibid.);

(3) inland agricultural zone characterized by "moderate to low density of surface features linked to agricultural land use, possibly in isolated pockets of suitable agricultural sediments. Trails link agricultural areas with coastal settlements" (Ibid.);

(4) upland forest exploitation zone characterized by a "very low feature density consisting of isolated agricultural and short-term surface and lava tube residences" (Ibid.).

Coastal settlement and coastal margin agricultural would be represented within the parcel, if not for the 1955 lava flow. The proposed lease parcel would have, based on the above zonal pattern, been located in the coastal margin agricultural zone.

There are three archaeological studies that are of particular relevance to the parcel which include: 1) Archaeological Reconnaissance of Proposed Kapoho-Kalapana Highway (Bevacqua and Dye 1972), 2) Archaeological Reconnaissance of Keauohana Ahupua'a, Puna, Hawai'i Island (Cordy 1987), 3) Keauohana, Puna, Hawaii Island Archaeological Reconnaissance of TMK 1-2-096&8 (Barrera 1993),

Significant historic sites are present next to the Kapoho-Kalapana Highway (#137) and just to the east and north of Kehena Beach Estates. The site adjacent to Highway #137 is a section of the "Kehena Beach trail" (State site #50-10-55-2540) discussed in Violet Hansen's field notes, then subsequently described and given the State site number by Bevacqua and Dye (1972:22). The trail section observed adjoining Highway 137 is located some 500-700 feet to the east of Kalapana Seaview Estates and is thus well outside the parcel area.

The sites east and north of Kehena Beach Palisades subdivision were first described and given State site numbers (50-10-55-10, 922 to-10,936) by Dr. Ross Cordy (1987). The sites included cemeteries, agricultural complexes and trails. However, none of these sites are within or even close to the parcel.

A review of previous studies indicated that no known sites were within the parcel and that the archaeology within Puna and especially within the vicinity of the parcel is dependent on two main factors: human induced disturbance and recent lava activity. Thus, only a very low site density was expected because virtually all of the parcel is recent (1955).

3.1.5 Flora

Field studies were conducted for endangered plant species and unique biological communities in and adjacent to the proposed lease site. A complete report of the findings follows.

The project areas surveyed included 1-2-9-15. A botanist surveyed the project area on foot. Adjacent sites of botanical interest were also examined for rare plants. No plant species listed as endangered or threatened under the U.S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area. Unusual native plants were found in the study area, but none have legal status requiring planning considerations.

3.1.6. Fauna

Although no threatened or endangered avian or mammalian species were detected during the survey it is expected that there is some usage of the site by four listed species. These species are the Hawaiian Hawk, I'o (*Buteo solitarius*), Newells' Shearwater, A'o (*Puffinus newelli*), Hawaiian Dark-rumped Petrel, "Ua'u (*Pterodroma phaeopygiga sandwichensis*) and Hawaiian Hoary bat, Ope'ape'a (*Lasiurus cinereus semotus*) (U.S. Fish & Wildlife Service, 1992).

ATTACHED REPORTS

Archaeological Survey by Catherine Glidden, MA Archaeologist, Hawaii National Park. Avian Survey by Patrick Hart, Dept. of Zoology, University of Hawaii at Manoa Botanical Survey by Tim Tunison, Tunison Ecological Consulting

3.1.7 Air Quality

The district of Puna does have pollution, some natural and some man-made. The man made are those associated with the automobile and geothermal development. The more significant one is a natural one coming from the fumes of the volcanic activity.

The developments on this lease should not generate any significant air pollutants. While some students will visit the site using an automobile, the attendance is too small to make any discernable difference to the air quality.

Additionally, the balance of the parcel will be left in tact, environmentally reducing potential air impact.

3.1.8 Noise

The subject area is very rural, generally with low level ambient noise levels associated with the distant shoreline and volcanic activity. This project and its use should not significantly affect the overall ambient noise quality of the area. The buildings will occupy less than 3 acres out of a total of almost 60 acres and are set back and are separated from public roads by forested areas.

3.2 Socioeconomic Characteristics

The proposed action will not involve any relocation of residents apart from a caretaker, nor will the action induce or inhibit population growth. The proposed facility is intended to service the existing and future population of the area.

Although governed by existing zoning and County land use policies the proposed action is also not expected to significantly affect surrounding land values.

3.3 Public Facilities, Utilities and Services

3.3.1 Roads

The Paho-Kalapana State Highway (Highway 130), then the County roads to Kalapana Seaview Estate would serve as the principal access to the facility. The overall road condition generally comports to county standards. The anticipated traffic should not be significant. Access to the property is paved. From the edge of the property to the building site the access road will be graded and cindered.

3.3.2 Water System

Potable water will be provided by a catchment system and by trucked in County water. A 5,000 gallon water tank containing catchment water will provide water for toilets and showers. A separate 5,000 gallon water tank containing County water filled via a water truck will provide water for cooking and drinking purposes.

3.3.3 Wastewater system

An individual wastewater system will be required to service the facilities proposed restroom, kitchen and showers. The preferred method - due to the costs - is the cesspool. Should that alternative not meet with the appropriate State or County requirements then, a septic tank or comparable system meeting with Health department requirements will be installed.

3.3.4 Drainage System

The subject site is designated Zone X, areas of minimal flood and/or drainage hazards. The proposed parking area should increase the area of semi impervious surface, and the buildings roofs should also add to on site drainage. However, given the existing permeable condition of the land, on site drainage problems are not anticipated.

3.3.5 Solid Waste

The proposed use should not generate a significant amount of waste. Nonetheless, whatever waste is generated, they will be disposed of at one of the county's solid waste transfer station sites in Puna.

3.3.6 Electrical/ Telephone

Electrical services will be provided by solar energy. As the programs will be principally conducted during the day anticipated electrical usage should be minimal. Telephone services are currently available to the site.

3.3.7 Other Public Facilities

Additional public services should not be required for the proposed use. This area, being partially developed and with it's volcanic attraction, already generates fire and police protective services. This proposed use is not expected to significantly add to the demand for these services.

4. RELATIONSHIP TO PLANS, POLICIES, AND CONTROLS

4.1 State Land Use Law and special use Permit

The subject parcel is classified agricultural by the State Land Use Commission. Since an educational facility is not a permitted use within this district, a Special Permit is required. The requested facility complies with the State Land Use and County Planning Commission's criteria for Special Permits. These criteria and justifications are :

A. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations

One objective of the Land Use Law and Regulations is to "preserve, protect and encourage the development and preservation of lands in the State for those uses to which they are best suited in the interest of public health and welfare of the people of the State of Hawaii."

In this particular situation, the land is not considered prime from an agricultural

perspective, and is also not being used agriculturally now. As such, the use of this site for the proposed educational facility would not be inherently contrary to this criteria. The facility would serve certain cultural, educational and recreational needs of the community.

B. The desired use shall not adversely affect surrounding properties.

The Board of Directors of Kalapana Seaview Estates representing the subdivision Residents affected by the facility have expressed their absolute support for the desired use. Similarly the owners of the only other occupied adjacent property, the Village Green Society, have also expressed their support for this project. The potential impacts to the surrounding properties, if any, could be noise and traffic. However, the volume of traffic to be generated by staff and students at the facility should be very low. Any noise associated with the proposed use should also be quite minimal and within normal working hours. That factor, combined with the fact that homes in the immediate area are quite sparse, should not make the requested use an adverse one to the surrounding properties.

C. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.

Access to the subject site is via State and County roads. Thus no road improvements would be required to service the requested use. Water would be provided by catchment and by an occasional water truck. The request should also not generate additional burden for fire and police protective services. This area already has residences and recreational use that demand such services and the requested use should not require an extension of this type of public service.

No added school facilities demand should be necessary, as the requested use is a service orientated one. It is a use that services the existing population and not one that serves as a catalyst for more people to reside in the area.

Any drainage and wastewater requirements will be taken care of by the applicant.

D. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Although the subject parcel is classified and zoned Agricultural, its soil characteristics are not inherently unique and suitable for intensive agricultural activities, its potential for intensive or less intensive agricultural uses is quite limited.

E. The proposed use will not substantially alter or change the essential character of the land and the present use.

The site (60 acres) is relatively large in relation to the facility structures. As such, there will be a considerable open space and buffer between the facility and surrounding properties.

Cultural, educational and recreational facilities are common in communities, and rural/agricultural areas are no exception. This facility will not be at all visually incongruous with the surrounding area.

4.2 Hawaii County General Plan

The subject site is designated Low Density on the County General Plan Land Use Pattern Allocation Guide (LUPAG) map. Educational/recreational facilities are considered part of such uses. Accordingly, the requested use would not be inherently inconsistent with the General Plan.

4.3 Puna Community Development Plan

This was prepared for the County of Hawaii Planning Department in 1995 and states (section 3-19) that recreational facilities are not adequately provided for in most Puna subdivisions. Based on County standards of five acres per thousand population, over 800 acres of recreational areas are needed within Puna subdivisions to meet the future needs of the currently permitted population.

4.4 Zoning

The County and the State Land Use Commission zoning of the subject site is Agriculture, 3-acre (A-3a). The zoning code requires a Special Permit. Section 25-52 of the Zoning Code provides that permits issued pursuant to Chapter 205, HRS - such as the Special Permit - are considered permitted use.

4.5 Other Regulations

The subject area is not located within the County Special Management Area (SMA). Thus, a SMA Use Permit would not be required.

Beyond the Special Permit, other permits required would be the applicable building and related permits.

5 DETERMINATION WITH SUPPORTING FINDINGS AND REASONS

The proposed facility is not expected to cause significant impacts to the environment, pursuant to the significance criteria established by the State environment commission as discussed below. As such, the determination is to issue a negative declaration.

A. The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources. Furthermore, the site on which the facility would be located does not have any significant natural resources.

B. The proposed project will not curtail the range of beneficial uses of the environment.

The requested use would not interfere with any of the existing surrounding uses. Its noise and vehicular impacts will be negligible. Any associated drainage and wastewater requirements will be handled in a manner meeting with the requirements of the appropriate governmental agencies. Thus, environmental options for the surrounding area should still exist in spite of this project.

C. The proposed project will not conflict with the State's long-term environmental policies.

The requested use complies with the environmental policies and standards of the State. All required improvements -wastewater and drainage - will be done in accordance with the requirements of the State and/or County. There should also be minimal impacts to air and noise quality.

D. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.

The requested use is not part of any larger project or phased development. It is intended to service the needs of the existing population. It is not a growth-inducive type of use. Furthermore, all other infrastructure facilities (water, police, etc.) are either present or will be provided by the applicant.

E. The proposed project will not involve a substantial degradation of environmental quality.

The requested use will not involve extensive on-site improvements. Landscaping will be provided in selected areas. Thus, there should be some visual enhancement to that portion of the site cleared for the buildings and parking area. All other type of environmental impacts (noise, air, etc.) should be negligible.

F. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. As documented in the accompanying reports, none of the rare or endangered plant or animal life would be threatened by the requested use.

G. The proposed project will not detrimentally affect air or water quality or ambient noise level.

The only discernible air quality impacts associated with the facility would be from the vehicular traffic. The frequency and volume of traffic, however, due to the limited number of days the programs will be held would be too small to create any appreciable impact.

Like the air impact, possible noise impacts would be due to vehicular traffic and since traffic volume would be insignificant the noise ambient level should thus not be significantly affected.

H. The proposed project is not located in an environmentally sensitive area.

The project is located in a somewhat environmentally sensitive area as nearby areas have been subjected to lava flows, and this area like much of lower Puna, is also potentially vulnerable.

Nonetheless, the requested use will serve certain cultural, recreational and educational needs of the people who presently reside in the area.

October 21, 1997

Mr. Graham Ellis
RR-2, Box 4524
Pahoa, Hawai'i 96778

Dear Mr. Ellis:

I conducted a botanical survey of the proposed lease site on October 12, 1997. There are two vegetation types in the area: 'Ohi'a (*Metrosideros polymorpha*) scrub is found on the 1955 lava flow and a degraded 'ohi'a forest with abundant weeds on the 400 year old flow. The 'ohi'a scrub is largely intact with few alien plants except for patchy kukupu or swordfern (*Nephrolepis multiflora*). Short-statured 'ohi'a, 2-8 feet tall, form an open to scattered overstory. The understory is largely comprised of discontinuous mats of mosses and lichens. The degraded 'ohi'a forest has a closed overstory of 'ohi'a. The presence of sapling and pole sized 'ohi'a suggests that this native tree is replacing itself. The secondary canopy is comprised of open to closed strawberry guava (*Psidium cattleianum*), an introduced weed tree. There are also scattered individuals of wauke or paper mulberry (*Broussonetia papyrifera*), a Polynesian introduction. The ground cover is dominated by thick mats of alien sword fern with other introduced herbaceous plants such as coleus (*Plectranthus scutellarioides*) and wedelia (*Wedelia trilobata*). There are scattered native shrubs including such as 'akia (*Wistronia sandwicensis*) and pukiawe (*Styphelia tameiameia*).

No endangered/threatened plants were found. One individual of ko'oko'olau (*Bidens hawaiiensis*), listed as a Species of Concern by the US Fish and Wildlife Service (September 27 Candidate Notice of Review) was located on the contact between the two lava flows.

Sincerely,



Tim Tunison,
Tunison Ecological Consulting

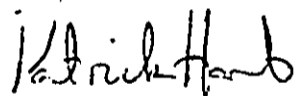
Nov. 2, 1997

Mr. Graham Ellis
RR-2, Box 4524
Pahoa, Hawaii 96778

Dear Graham:

I conducted an avian survey of the proposed lease site and surrounding areas on Oct. 25 1997. During the course of the survey, only the introduced Japanese White-eye (*Zosterops japonicus*) was noted on the 1955 flow. This was likely due to the lack of bird habitat, as this area contained mostly sparse ohia (*Metrosideros polymorpha*) scrub. On the adjacent 400 year flow, the forest was significantly more developed and numerous bird species were recorded. Most notable were the native Hawaii Amakihi (*Hemignathus virens*) and the native Apapane (*Himatione sanguinea*). These two are by far the most common native forest birds in the state. Their presence in this area is significant because these birds are rarely seen at such low elevations. However, it is likely that they are upper elevation individuals following seasonal lowland resources, and not year-round residents at this site. Introduced birds noted in this area included the Spotted Dove (*Streptopelia chinensis*), Common Myna (*Acridotheres tristis*), Northern Cardinal (*Cardinalis cardinalis*), Nutmeg Mannikin (*Lonchura punctilata*), and House finch (*Carpodacus mexicanus*). All of these birds are common in low elevation areas throughout the state.

No threatened or endangered birds were found. It is possible that the endangered Hawaiian Hawk (*Buteo solitarius*) visits this area but none were seen or heard. Because of the relatively barren nature of the proposed lease site, it is unlikely that small scale development will have a measurable impact on native Hawaiian birds.



Sincerely,

Patrick Hart
Dept. of Zoology, Univ. of Hawaii at Manoa

October 28, 1997

Mr. Graham Ellis
RR-2, Box 4524
Pahoa, Hawaii 96778

Dear Mr Ellis:

On October 8, 1997, I conducted an archaeological survey of a parcel of land that you propose to lease from the state. The survey was limited to the part of the parcel that is located on a 400 year old a'ā' flow. The part of the parcel that is located on a 1955 lava flow was not surveyed. My survey methods consisted of walking 20 meter wide transects along the entire length of the older flow. In areas, the vegetation was quite dense with a thick matting of kupukupu or swordfern (*Nephrolepis multiflora*), and occasional dense patches of strawberry guava (*Psidium cattleianum*). Aside from these intermittent areas, the surface was relatively unobstructed with a predominant overstory of 'Ohi'a (*Metrosideros polymorpha*).

No archaeological sites, features or cultural materials were discovered on the land parcel. Some modern trash was found including various accoutrements presumably used in the production of marijuana. This includes barrels, potting vessels, hoses, metal mesh, and tin roofing. These items are clearly of recent origin and are therefore not historic.

Sincerely,



Catherine Glidden, MA Archaeologist
PO Box 120,
HI National Park, HI 96718-9998
(808) 967-8145

LIST OF LETTERS RECEIVED FROM AGENCIES AND GROUPS CONSULTED

State of Hawaii Office of Hawaiian Affairs	Letter dated August 28 th 1997 Letter dated February 10 th 1998
State Of Hawaii Department of Health	Letter dated August 1 st 1997
State of Hawaii D.L.N.R. State Historic Preservation Division	Letter dated September 9 th 1997 Reply dated September 15 th 1997
State Of Hawaii D.L.N.R. Division of Forestry And Wildlife	Letter dated September 8 th 1997 Reply dated September 15 th 1997
County Of Hawaii Department of Public Works	Letter dated September 9 th 1997
County of Hawaii Planning Department	Letter dated August 5 th 1997 Letter dated September 8 th 1997
County of Hawaii Department of Water Supply	Letter dated August 19 th 1997
County of Hawaii Police Department	Letter dated September 3 rd 1997
State Of Hawaii Environmental Council	Letter dated March 19 th 1998 Reply dated April 15 th 1998
Department of Education Department of Agriculture	Letter dated February 4 th 1998 Letter dated February 3 rd 1998
The Hawaii State Senate Senator Andrew Levin	Letter dated September 23 rd 1997
The Hawaii State House of Representatives Representative Robert N. Herkes	Letter dated October 10 th 1997
Hawaii County Council Vice Chair, Al Smith	Letter dated October 28 th 1997
Puna Community Council	Letter dated October 29 th 1997
Puna Outdoor Circle	Letter dated August 28 th 1997
Kalapana Seaview Estates Community Association	Letter dated August 5 th 1997

PHONE (808) 594-1888



FAX (808) 594-1865

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

August 28, 1997

Graham Ellis, Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, Hawaii 96778

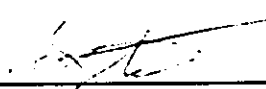
Dear Mr. Ellis:

Thank you very much for your letter informing us of your organization's upcoming application to lease state land from DLNR and Draft Environmental Assessment (DEA). Hawaii's Volcano Circus (HVC) proposes to develop a training facility to serve as a home-base for HVC's educational programs.


The Office of Hawaiian Affairs (OHA) supports HVC's efforts to educate children and the community about traditional Hawaiian Circus Arts. At this time OHA has no concerns with the preparation of DEA, and we look forward to receiving a copy when it becomes available for public review.

Please contact Lynn Lee, Acting Land and Natural Resources Division Officer, or Richard Stook, EIS Planner at 594-1888, should you have any questions.

Sincerely yours,



Randall Ogata
Administrator



Lynn Lee, Acting Officer
Land and Natural Resources

RS:rs

cc: Trustee Clayton Hee, Board Chair
Trustee Rowena Akana, Land & Sovereignty Chair
Trustee Abraham Aiona, Board Vice-Chair
Trustee Haunani Apoliona
Trustee Billie Beamer
Trustee Frenchy DeSoto
Trustee Moses Keale
Trustee Collette Machado
Trustee Hannah Springer
Jamie Kawauchi, CAC, Hilo

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

FEB 13 12 47 PM '98

February 10, 1998

Charlene Unoki, District Agent
DLNR - Division of Land Management
P.O. Box 936
Hilo, Hawaii 96778

DOC NO: EIS-81

Subject: Draft Environmental Assessment for the Hawaii Volcano Circus, Island of Hawaii,
TMK: 1-2-9-15

Dear Ms. Unoki:

Thank you very much for allowing us to review the above referenced Draft Environmental Assessment (DEA). Hawaii's Volcano Circus (HVC), a non-profit organization, proposes to lease approximately 60 acres of state land to develop a training facility which will serve as a home-base for HVC's educational programs.

The Office of Hawaiian Affairs (OHA) has no objections to the request for the lease of state lands by HVC. OHA strongly supports HVC's cultural and entertainment programs which serve to educate children and the community about traditional Hawaiian circus arts and culture.

The idea of utilizing only four acres of the subject parcel for development and preserving the remaining portion as a lowland ohia rainforest is a very appealing aspect of the proposed project. Nature and land (especially forests) are considered to be sacred and alive according to traditional Hawaiian belief. Natural settings allow Hawaiians to engage in spiritual and traditional practices which perpetuate the native culture. The DEA indicates that various native plant species such as 'akia and pukiawe exist on the site. OHA suggests that the applicant consider developing a management plan which would eradicate exotic weeds and encourage the proliferation native plant species in the lowland forest.

Please contact Colin Kippen, Land and Natural Resources Division Officer, or Richard Stook, EIS Planner at 594-1755, should you have any questions regarding this matter.

Sincerely yours,

Handwritten signature of Randall Ogata in black ink.

Randall Ogata
Administrator

Handwritten signature of Colin Kippen in black ink.
for Colin Kippen, Division Officer,
Land and Natural Resources

cc: Graham Ellis, Hawaii Volcano Circus
Board of Trustees
CAC, Island of Hawaii

2-11-98 XL HNL

BENJAMIN J. CAYETANO
GOVERNOR



LAWRENCE MIKE
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 98721-0916

DATE: August 1, 1997
TO: Graham Ellis, Director
Hawaii's Volcano Circus
FROM: Aaron Ueno
District Environmental Health Program Chief
SUBJECT: Proposed Project on TMK: 1-2-09:15

Thank you for allowing the Department of Health to make comments on the proposed project. The following issues are brought to your attention:


- 1) The proposed food service operation would need to meet the requirements of Hawaii Administrative Rules, Title 11, Department of Health. Please contact the area Sanitarian at 933-4371 on the requirements for the kitchen facility and food service operation.
- 2) The Department of Health will be reviewing your proposed wastewater disposal system(s). This system(s) is required to be designed by a Registered Professional Engineer licensed by the State of Hawaii and submitted to our Wastewater staff (933-4552) for approval.
- 3) The Department of Health's authority on drinking water quality is based on the definition of a "public water system". A "public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least sixty (60) days out of the year. Please contact our Safe Drinking Water staff at 933-4552 if the proposed project requires a public water system.

Past episodes of water quality concerns for lead, copper, algae and microbial contaminations in private rain catchment

Graham Ellis
August 1, 1997
Page 2

systems have identified the need for design standards.
Without these control standards the Department of Health
would not be able to support the use of these private rain
catchment systems for drinking purposes.

If you have any comments regarding the above communication,
please feel free to contact the indicated staff.



AARON UENO

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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

DEPUTIES

GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION
LAND DIVISION

STATE PARKS

WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

September 9, 1997

Mr. Graham Ellis, Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, Hawaii 96778

LOG NO: 20087 ✓
DOC NO: 9708MS04

Dear Mr. Ellis:

**SUBJECT: Request for Comments of Proposed State Land Lease
for Hawaii's Volcano Circus
Kehena, Puna, Hawaii Island
TMK: 1-2-09:15**

It is our understanding that you wish to lease the subject parcel, and use approximately 4 acres to construct facilities to support Hawaii's Volcano Circus's educational programs. Your request for written comments did not include a map of the proposed 4 acre area, therefore, a site inspection was not made by our office.

However, if indeed the planned construction will occur on the 1955 lava flow, then we believe it would be very unlikely that any significant historic sites would be present. We feel that the proposed project would have "no effect" on significant historic sites. In the event that land disturbing activities would occur in other areas of the subject parcel, we would recommend a site inspection by our office. This can be arranged by contacting Marc Smith or Patrick McCoy at 587-0006 (Honolulu).

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator
State Historic Preservation Division

MS:amk



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
P.O. BOX 4849
HILO, HAWAII 96720
(808) 974-4221
FAX (808) 974-4226

September 8, 1997

Mr. Graham Ellis, Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, Hi. 96778

Dear Mr. Ellis:

This responds to your letter of August 20, 1997. You requested our support for an application to lease 59.59 acres of state land on the Island of Hawaii (TMK (3) 1-2-09-15).

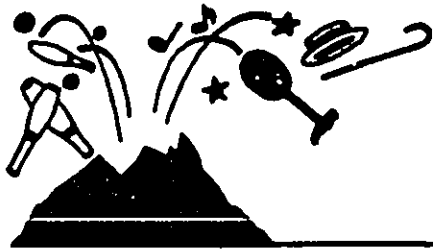
We have reviewed the information you provided and have no objections to the proposed lease. Our primary concern is that your project only requires 4 acres and the proposed lease is for almost 60 acres. The state will be committing a large parcel of land for a 20 year period. This may prevent other compatible land uses in the future. Perhaps a smaller parcel would be better suited to your needs.

Thank you for the opportunity to comment on your proposal.

Sincerely,

A handwritten signature in cursive script that reads "Jon G. Giffin".

JON G. GIFFIN
Hawaii Branch Manager



HAWAII'S VOLCANO CIRCUS

A non-profit educational organization
P.O. Box 4524 Pahoehoe, HI 96778 (808) 965-8756

State of Hawaii
Dept. Of Land and Natural Resources
Division of Forestry and Wildlife
PO Box 4849
Hilo 96720

September 15th 1998

Dear Mr Giffin,

This responds to your letter of September 8th regarding our application to lease 59.9 acres (TMK 3-1-2-09-15) on the island of Hawaii.

We acknowledge that you have no objections to the proposed lease but are concerned that the State will be committing 60 acres of land when we only need to use about 4 acres. Please note that we intend to use the other 56 acres as conservation and preservation land. We see ourselves acting as 'stewards' ensuring that the land in question is allowed to continue to develop as lowland ohia rainforest and does not get bulldozed for use as a papaya plantation only to be abandoned years later as a barren track of lava.

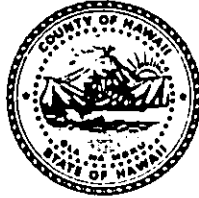
Also, in the area that we wish to locate our facility most State land parcels are very large.

Please call me if you have any other concerns.

Thank you for your kind assistance,

Graham Ellis
Executive Director

Stephen K. Yamashiro
Mayor



Donna Fay K. Kiyosaki
Chief Engineer

Jiro A. Sumada
Deputy Chief Engineer

County of Hawaii
DEPARTMENT OF PUBLIC WORKS
25 Aupuni Street, Room 202 • Hilo, Hawaii 96720-4252
(808) 961-8321 • Fax (808) 961-8630

September 9, 1997

MR GRAHAM ELLIS DIRECTOR
HAWAII'S VOLCANO CIRCUS
P O BOX 4524
PAHOA HAWAII 96778

SUBJECT : DRAFT ENVIRONMENTAL ASSESSMENT
Kehena, Puna, Hawaii
TMK: 3 / 1-2-09: 15


We acknowledge receipt of your letter concerning the subject matter, and provide you with our comments as follows:

1. Any building construction shall conform to all requirements of code and statutes of the County of Hawaii.
2. All development generated runoff shall be disposed on site and shall not be directed toward any adjacent properties.
3. All earthwork and grading shall be in conformance with Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
4. Any work within the County right-of-way shall be in conformance with Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
5. We are unclear as to the access (Kamoamo Homestead Road) onto Parcel 15, as stated by the applicant. Clarification should be given on how this parcel will gain access, and the condition of this access.

DRAFT EA
September 9, 1997
Page 2 of 2

6. Application should be submitted to the Planning Department for their review and comments.

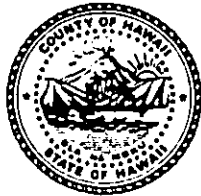
Should there be any questions concerning this matter, please feel free to contact Mr. Casey Yanagihara in our Engineering Division at (808)961-8327.


Galen M. Kuba, Division Chief
Engineering Division

CKY

copy: Planning Department

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director
Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-1252
(808) 961-8288 • Fax (808) 961-9615

August 5, 1997

Mr. Graham Ellis
Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, HI 96778

Dear Mr. Ellis:

**Request for Comments regarding Application to Lease State Lands
for Proposed Support Facilities for Hawaii's Volcano Circus
TMK: 1-2-09: 15; Keekee and Kehena, Puna, Hawaii**

Thank you for your letter dated August 1, 1997, requesting our comments regarding the application to lease State lands to accommodate the expansion of support facilities for Hawaii's Volcano Circus onto the subject property.

The subject property, consisting of approximately 59.69 acres, is situated within an area designated as Agriculture by the State Land Use Commission and Agricultural-3 acres (A-3a) by the County. These State and County land use designations will require the issuance of a Special Permit from the State Land Use Commission to permit the establishment of the proposed support facilities within the subject property. According to your letter, a 20-acre portion of the subject property will be leased with the remaining 39.5 acres to remain in ohia forest.

We also note within your letter that the existing headquarters for Hawaii's Volcano Circus is situated on the adjoining property identified by TMK: 1-2-09: 34. This property maintains the same land use designations as Parcel 15. Our records do not indicate any land use reviews or approvals by the County or State to permit the establishment of the headquarters on lands designated Agricultural. We ask that you contact this office immediately to discuss this matter.

Mr. Graham Ellis
Hawaii's Volcano Circus
Page 2
August 5, 1997

We appreciate being given the opportunity to review and comment on the proposal. We look forward to hearing from you shortly. In the meantime, please contact Daryn Arai of this office should you have any questions.

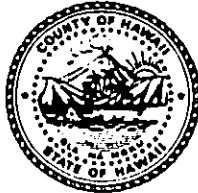
Sincerely,


for VIRGINIA GOLDSTEIN
Planning Director

DSA:pak
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xc w/ltr: DLNR-Land Management
TMK: 1-2-09: 34

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director
Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

September 8, 1997

Mr. Graham Ellis, Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, HI 96778

Dear Mr. Ellis:

**Request for Comments regarding Application to Lease State Lands
for Proposed Support Facilities for Hawaii's Volcano Circus
TMK: 1-2-09: 15; Keekee and Kehena, Puna, Hawaii**

Thank you for your letter dated August 20, 1997, providing supplemental information regarding the application to lease State lands to accommodate the expansion of support facilities for Hawaii's Volcano Circus onto the subject property.

Thank you for clarifying the scope of the proposed lease of State lands and the establishment of support facilities for the Hawaii's Volcano Circus. We have no further comments at this time.

Should you have any questions please contact Daryn Arai of this office at 961-8288.

Sincerely,


for VIRGINIA GOLDSTEIN
Planning Director

DSA:cjf
f:\wpwin60\christin\gellis02.dsa



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 969-1121 • FAX (808) 969-6996
961-8660 961-8657

August 19, 1997

Mr. Graham Ellis
Director
Hawaii's Volcano Circus
P.O. Box 4524
Pahoa, HI 96778

DRAFT ENVIRONMENTAL ASSESSMENT
TAX MAP KEY 1-2-009:015

This is in response to your letter of July 30, 1997 requesting comments for the proposed draft environmental assessment.

For your information, the subject property is not within the service limits of the Department's existing water system facility.

The nearest Department of Water Supply's existing water system facility is an existing 8-inch waterline along the Pahoa-Kalapana Road, approximately 7,000 feet from the property.

Should there be any questions, you can contact our Water Resources and Planning Branch at 961-8660.

Milton D. Pavao, P.E.
Manager

WA:gms

copy - Planning Department

... Water brings progress...

Stephen K. Yamashiro
Mayor



Wayne G. Carvalho
Police Chief

James S. Correa
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2702

September 3, 1997

Mr. Graham Ellis
Director
Hawaii's Volcano Circus
P. O. Box 4524
Pahoa, HI 96778

Dear Mr. Ellis:

**SUBJECT: APPLICATION TO LEASE STATE LAND FROM DLNR
REQUEST FOR WRITTEN COMMENTS FOR INCLUSION IN DRAFT
ENVIRONMENTAL ASSESSMENT**

We have not received any correspondence from the State Department of Land and Natural Resources regarding the above application.

We will provide written comments on your proposal at the appropriate time.

Sincerely,

WAYNE G. CARVALHO
POLICE CHIEF

A handwritten signature in black ink, appearing to read "James S. Correa".

JAMES S. CORREA
DEPUTY POLICE CHIEF
ACTING POLICE CHIEF

EO:lk

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
ENVIRONMENTAL COUNCIL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4166
FACSIMILE (808) 586-4166

HARLAN H. HASHIMOTO
CHAIRPERSON
BARBARA ROBERTSON
VICE-CHAIRPERSON

MAR 23 2 39 PM '98

March 19, 1998

Charlene Unoki
Department of Land & Natural Resources
PO Box 936
Hilo, HI 96721

COPY

Dear Ms. Unoki:

RE: Draft Environmental Assessment (EA) for Hawaii's Volcano Circus, Puna

Please note that the term "negative declaration" has been replaced with Finding of No Significant Impact (FONSI). In addition we have the following comments to offer:

1. Contacts: Forward a copy of the draft EA to the Department of Health, allowing them sufficient time to review it and submit comments. The Department notes in its 8-1-97 letter that proposed water catchment systems will have to be carefully reviewed before approved. If you have responded to DOH regarding this, enclose a copy of your letter in the final EA, along with copies of any other comment letters as well as your responses.
2. Facilities design: Include drawings or diagrams of the site, the proposed buildings and any proposed landscaping that show the final appearance of the project. Also describe any element or material being used to promote environmentally sensitive and energy efficient design, such as low-flush toilets, solar panels or energy-efficient fixtures.
3. Construction impacts: Include a full discussion, including impacts to nearby water resources from construction runoff, traffic impacts, safety issues, noise, and air quality. Also discuss any mitigation measures planned to prevent or lessen these impacts.
4. Lease of land: The Division of Forestry & Wildlife of DLNR notes in its 9-8-97 letter that you propose to lease 60 acres but use only 4, and that this encumbers 56 acres that might otherwise be put to another use. What is the rationale

Charlene Unoki
March 19, 1998
Page 2

for leasing such a large amount of land? Also, what is the reason the land you plan to use will not be purchased rather than leased?

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

Sincerely,


Gary Gill
Director

c: Graham Ellis

4

Gary Gill
Environmental Council
235 South Beretania Street
Honolulu
Hi 96813

April 15th 1998

Dear Mr Gill,

RE: Draft Environmental Assessment for Hawaii's Volcano Circus, Puna

In response to your letter of March 19th 1998 please note the following:-

1. Contacts

We intend to fully comply with Dept. of Health water catchment system regulations and having lived in Puna for 14 years are aware of the requirements.

2. Facilities design

We are enclosing preliminary drawings of our facilities design. It is our intention to minimize our impact on the site and to intentionally not introduce alien plants through landscaping. We intend to protect the growth of the existing lowland ohia rainforest that commenced after the 1955 lava flow. Puna Outdoor Circle has inspected the site and wherever possible they will try to save and replant any young ohia trees that we need to remove.

We intend to use ohia posts wherever possible in our building. We will utilize wood that has already been cut and cleared from other parcels of land by developers thus promoting environmental awareness regarding the damage done to forests by developments and we will demonstrate the possibilities for using such rescued lumber in construction.

We will be using solar power for energy as well as solar water heating systems as our primary source of hot water. All of our toilets will be low flush models and all of our fixtures will be energy efficient.

We hope that our facility will serve as a demonstration model for the potentials of ecologically sound construction and intend to seek funding to support this goal.

3. Construction impacts.

Water runoff is not an issue on lava. The traffic, noise and air quality impacts will be negligible due to the isolated location, limited areas to be bulldozed and small scale of construction. Our nearest neighbors are our strongest supporters for this project.

4. Lease of Land

In our response to the Division of Forestry & Wildlife of DLNR we explained that the use we intend for the other 56 acres is conservation and preservation. We see ourselves acting as 'stewards' to see that it is allowed to develop as lowland ohia rainforest and does not become another barren track of lava after papaya plantation use.

Our rationale for leasing 60 acres is simply that in the location we wish to place our facility this is the average size of state land parcels.

We are not interested in purchasing State Land since we believe that it is the property of the Hawaiian people being held in trust by the State and should not be sold.

We hope these answers are of assistance to your review, please call me should you require further details.

Sincerely,

Graham Ellis
Director

Cc Charlene Unoki

RECEIVED FEB 23 1998

January 30, 1998

Suspense date: 2/13/98

MEMORANDUM

TO: Department of Agriculture
Attention: Paul Matsuo

FROM: Charlene E. Unoki *Charlene*
Hawaii District Office

SUBJECT: Long term lease for educational and recreational
purposes on vacant State lands at Puna, Hawaii,
tmk: (3) 1-2-9-15

Please review the attached:

<input checked="" type="checkbox"/> DRAFT EIS	<input type="checkbox"/> LUC REVIEW
<input type="checkbox"/> EIS PREPARATION NOTICE	<input type="checkbox"/> Correspondence
<input type="checkbox"/> ENVIRONMENTAL ASSESSMENT	<input type="checkbox"/> Other

and submit your comments within the time requested above. If you have any questions, please call my office at 974-6203.

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

- We have no comments or objections.
- Comments attached or written below.

Signed: *Paul T. Matsuo*

Date: 2/3/98

Attachment(s)

Date: _____
Route to: SB
_____ SB
_____ SB
no. Copy: 10
File: _____
Return to: _____
Discard: _____
ms - How long this
stayed?

FACILITIES BRANCH

FEB 5 12 53 PM '98

FEB 3 1 39 PM '98

LAA

January 30, 1998

Suspense date: 2/13/98

MEMORANDUM

TO: Department of Education
Facilities and Support Services Branch
Attention: Sanford Beppu
809 8th Avenue, Honolulu, Hawaii 96816

FROM: Charlene E. Unoki Charlene
Hawaii District Office

SUBJECT: Long term lease for educational and recreational
purposes on vacant State lands at Puna, Hawaii,
tmk: (3) 1-2-9-15

Please review the attached:

- | | |
|---|---|
| <input checked="" type="checkbox"/> DRAFT EIS | <input type="checkbox"/> LUC REVIEW |
| <input type="checkbox"/> EIS PREPARATION NOTICE | <input type="checkbox"/> Correspondence |
| <input type="checkbox"/> ENVIRONMENTAL ASSESSMENT | <input type="checkbox"/> Other |

and submit your comments within the time requested above. If you have any questions, please call my office at 974-6203.

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

- We have no comments or objections.
- Comments attached or written below.

Signed: Justin W. ...

Date: 2/4/98

120

NORMAN MIZUGUCHI
PRESIDENT

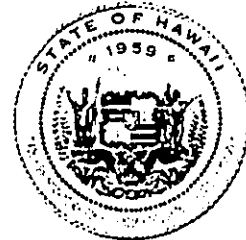
ANDREW LEVIN
VICE PRESIDENT

LES IHARA, JR.
MIKE M. MCCARTNEY
MAJORITY LEADERS

WHITNEY ANDERSON
MINORITY LEADER

The Senate
The Nineteenth Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813



FIRST DISTRICT
MALAMA SOLOMON

SECOND DISTRICT
WAYNE METCALF

THIRD DISTRICT
ANDREW LEVIN

FOURTH DISTRICT
ROSALYN H. BAKER

FIFTH DISTRICT
JOE TANAKA

SIXTH DISTRICT
AVERY CHUMBLEY

SEVENTH DISTRICT
LEHUA FERNANDES SALLING

EIGHTH DISTRICT
SAM SLOM

NINTH DISTRICT
MATT MATSUNAGA

TENTH DISTRICT
LES IHARA, JR.

ELEVENTH DISTRICT
BRIAN TANIGUCHI

TWELFTH DISTRICT
CAROL FUKUNAGA

THIRTEENTH DISTRICT
ROD TAM

FOURTEENTH DISTRICT
SUZANNE CHUN OAKLAND

FIFTEENTH DISTRICT
NORMAN MIZUGUCHI

SIXTEENTH DISTRICT
NORMAN SAKAMOTO

SEVENTEENTH DISTRICT
DAVID IGE

EIGHTEENTH DISTRICT
RANDY IWASE

NINETEENTH DISTRICT
CALVIN KAWAMOTO

TWENTIETH DISTRICT
BRIAN KANNO

TWENTY-FIRST DISTRICT
JAMES AKI

TWENTY-SECOND DISTRICT
ROBERT BUNDA

TWENTY-THIRD DISTRICT
MIKE MCCARTNEY

TWENTY-FOURTH DISTRICT
MARSHALL IGE

TWENTY-FIFTH DISTRICT
WHITNEY T. ANDERSON

CHIEF CLERK
PAUL T. KAWAGUCHI

September 23, 1997

Mr. Michael Wilson
Dept. of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

I understand that Mr. Graham Ellis and Hawaii's Volcano Circus, a non-profit organization, have applied to DLNR for a 20-year lease on a parcel of land on the Big Island, TMK 1-2-09-15. Their project would use only about 4 acres of the 59-acre parcel, with the remainder to be left untouched and protected to develop as a lowland ohia rainforest. The 4 acres would provide headquarters for Hawaii's Volcano Circus and its education programs.

I have known Mr. Ellis for a number of years, and believe him to be a very caring individual who has brought considerable joy to the Big Island community through his educational and community efforts. Although I do not have any more details about this particular proposal other than what I had cited above, I hope you will give full consideration to the application and, if you find it satisfactory and environmentally sound, give it your blessing.

Very truly yours,


ANDREW LEVIN
Senator, Third District

AL:CSY

Speaker
JOSEPH M. SOUKI
Vice Speaker
PAUL T. OSHIRO
Majority Leader
TOM OKAMURA
Minority Floor Leader
MARCUS R. OSHIRO
Majority Whip
NESTOR R. GARCIA

**HOUSE OF REPRESENTATIVES
THE NINETEENTH LEGISLATURE**

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813



October 10, 1997

DISTRICT REPRESENTATIVES

1st — DWIGHT Y. TAKAMINE
2nd — JERRY L. CHANG
3rd — ERIC G. HAMAKAWA
4th — ROBERT N. HERKES
5th — PAUL WHALEN
6th — DAVID A. TARNAS
7th — MICHAEL WHITE
8th — JOSEPH M. SOUKI
9th — BOB NAKASONE
10th — DAVID MORIHARA
11th — CHRIS HALFORD
12th — HERMINA MORITA
13th — EZRA R. KANOHO
14th — BERTHA C. KAWAKAMI
15th — DAVID D. STEGMAIER
16th — GENE WARD*
17th — BARBARA MARUMOTO
18th — CALVIN K. Y. SAY
19th — BRIAN Y. YAMANE
20th — SCOTT K. SAIKI
21st — GALEN FOX
22nd — TERRY NU'I YOSHINAGA
23rd — ED CASE
24th — SAM AIONA
25th — KENNETH T. HIRAKI
26th — QUENTIN K. KAWANANAKOA
27th — LEI AHU'ISA
28th — DENNIS A. ARAKAKI
29th — FELIPE P. ABINSAY, JR.
30th — ROMY M. CACHOLA
31st — NATHAN SUZUKI
32nd — BOB McDERMOTT
33rd — TOM OKAMURA
34th — K. MARK TAKAI
35th — NOBU YONAMINE
36th — ROY M. TAKUMI
37th — NESTOR R. GARCIA
38th — MARILYN B. LEE
39th — RON MENOR
40th — MARCUS R. OSHIRO
41st — PAUL T. OSHIRO
42nd — MARK MOSES
43rd — MICHAEL PU'AMAMO KAHIKINA
44th — MERWYN S. JONES
45th — ALEXANDER C. SANTIAGO
46th — COLLEEN MEYER
47th — TERRANCE W.H. TOM
48th — KEN ITO
49th — CYNTHIA HENRY THIELEN**
50th — DAVID A. PENDLETON
51st — KENNY GOODENOW

*Minority Leader

**Minority Floor Leader

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

Dear Mr. Wilson:

It has come to my attention that the Hawaii Volcano Circus has applied for a twenty year lease of TMK 1-2-09-15, a 59.69 acre parcel on the Big Island. The Hawaii Volcano Circus is a non profit educational organization which plans to use the land to provide facilities for an educational program for children in the rural area.

I would appreciate any support that you could give to the Hawaii's Volcano Circus' worthwhile endeavors. If you have any questions, please contact me at 586-6530.

Sincerely,

A handwritten signature in black ink, appearing to read "RNL".

Robert N. Herkes
State House of Representatives
4th District

RNH:dd

AL SMITH
Councilman



Phone: (808) 961-8267
Fax: (808) 969-3291

COUNTY COUNCIL
County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

October 28, 1997

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

Mike
Dear Mr. Wilson:

I am writing on behalf of Hawaii's Volcano Circus. They are a non-profit organization of teachers and performing artists who have been active with educational, cultural and entertainment programs since 1984.

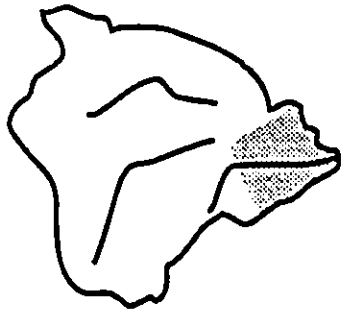
They are in the process of applying for a 20 year lease of TMK 1-2-09-15. This is a 59.69 acre parcel that the HVC plans to provide as a headquarters for the educational programs. These facilities would use about 4 acres and the rest of the parcel would be left untouched and protected to develop as a lowland ohia rainforest.

I am wholeheartedly in support of this application for the Hawaii Volcano Circus and request your favorable consideration of this proposal.

If you have any questions or concerns please do not hesitate to contact me at 961-8267.

Sincerely,

Al Smith
Al Smith, Vice Chair
Hawaii County Council



P U N A
Community Council, Inc.
P.O. Box 1250, Keaau HI 96749

October 29, 1997

Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Sirs:

The Puna Community Council is a body consisting of representatives from twenty-five (25) organizations and subdivision associations responsible to the 30,000 residents of the Big Island's district of Puna.

We wholeheartedly support the Hawaii Volcano Circus and its director Graham Ellis in their application for the land lease of TMK 1-2-09-15.

The children's circus has always been the most outstanding childrens' program of any kind offered in Puna. Their shows and events not only develop skill and self-esteem in the children they teach, but also promote a wholesome drug and alcohol free lifestyle to the children they reach through their shows.

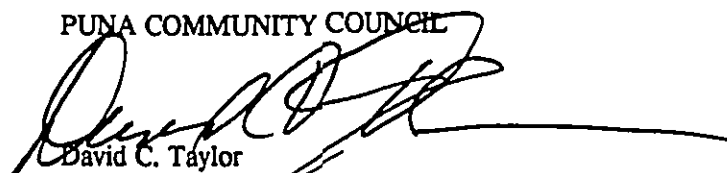
Mr. Ellis able and skilled approach teaching children and adolescents is evidenced by the success of his drug prevention programs.

We see no adverse affect to the land or the community where this project will be located. To the contrary, Puna Community Council has stress the need for community development within the subdivisions where people can walk and ride to services.

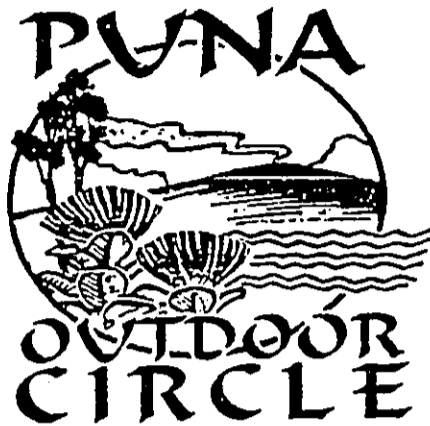
Therefore, we ask for your approval in regard to Hawaii Volcano Circus request. We are in complete support of this project and wish Mr. Ellis and the Hawaii Volcano Circus great success in their endeavor.

Sincerely,

PUNA COMMUNITY COUNCIL



David C. Taylor
President



August 28, 1997

Ms. Charlene Unoki, District Agent
Division of Land Management - DLNR
P. O. Box 936
Hilo, HI 96721

RE: REQUEST FOR LEASE OF STATE
LAND BY HICCUP CIRCUS

Dear Ms. Unoki:

Graham Ellis of Hiccup Circus has asked the Puna Outdoor Circle if we would write a letter of support regarding his request to lease a parcel of state land adjoining Belly Acres. Our board decided to make an on-site inspection of both Belly Acres and the lease land prior to making any determination. Last week I, along with two other members of our Board of Directors, made the inspection.

We were very favorably impressed with the way Belly Acres has been developed, working with the natural topography and not disturbing the ohias or hala. Mr. Ellis showed us the lava field, of which he is only planning to use 3 acres or so, protecting the rest. He has agreed to working with us to salvage the keiki ohias from the proposed building site so that we might outplant them elsewhere.

When I first learned of the Hiccup Circus, many years ago, I admit I was rather dubious as to its value to the community. I was, you see, carrying around old derogatory "baggage" about circuses and "carnies". But over the years I have watched shy children and children from broken homes thrive and bloom under his tutelage. I have seen their growth of self-esteem, hand-eye coordination, sharing and cooperation and teamwork and many other qualities which we all want to see developed in our future citizens. The Hiccup Circus is a major benefit to our community in general, and to the children in particular. In order that they may continue and expand on this good work, we support their development plans for the state land, should you agree to lease to them. We hope you will decide to do so.

So many projects come before us to use state land for (to my mind) dubious purposes, but here is a win-win proposal and we give it our

P. O. Box 1085 ★ Pahoa ★ Hawaii, 96778 ★ (808) 965-6626

wholehearted support.

Thank you for this opportunity to input to you on this issue.
If you have any questions, please do not hesitate to call me at
965-6626.

Mahalo and aloha aina,



René Siracusa
President
PUNA OUTDOOR CIRCLE

KALAPANA SEAVIEW ESTATES COMMUNITY ASSOCIATION
RR2 Box 4537, Pahoa, HI 96778 (808) 965-8711

August 5, 1997

Graham Ellis
Hawaii's Volcano Circus
PO Box 4524
Pahoa, HI 96778

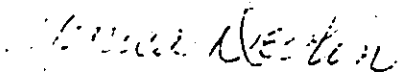
Re: HVC's Application to Lease State Land

Dear Graham,

On behalf of the Board of Directors of Kalapana Seaview Estates Community Association, we are happy to express our whole-hearted support for the above-referenced application. HVC has proven to be a strong positive educational influence in our community over the past many years, and as your closest neighbors, you have earned our respect and appreciation.

We especially appreciate your guardianship and protection of the aina in this project, and wish you much success in this endeavor as you continue to serve the children of the Big Island, much to the delight of us all.

Warm regards,



Monica Devlin
Secretary/Bookkeeper

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

7/17/1997

PRODUCER

Sedgwick James of PA, Inc.
 PO Box 1095
 Bethlehem, PA 18016-1095
 (610) 866-8005 FAX (610) 866-8007

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY LETTER A FIREMAN'S FUND INSURANCE CO
- COMPANY LETTER B
- COMPANY LETTER C
- COMPANY LETTER D
- COMPANY LETTER E

INSURED

WORLD CLOWN ASSOCIATION AND
 GRAHAM ELLIS
 RR #2, BOX 4524
 PAHOE HI 95778

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT.	XXC 80355514	07/12/97	05/01/98	GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG. \$ 1,000,000 PERSONAL & ADV. INJURY \$ 1,000,000 EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED. EXPENSE (Any one person) \$ 5,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY				COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$ DISEASE - POLICY LIMIT \$ DISEASE - EACH EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ADDITIONAL INSURED: PARKS AND RECREATION DEPARTMENT, COUNTY OF HAWAII
 EFFECTIVE DATE: 07/12/97

CERTIFICATE HOLDER

PARKS AND RECREATION DEPARTMENT
 COUNTY OF HAWAII
 25 AUPUNI STREET
 HONOLULU HI 96817

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Trudy S. Goldstein

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
2 CUPANIA CIRCLE
MONTEREY PARK, CA 91755-7406

DEPARTMENT OF THE TREASURY

Date: Jan 14 1992

HAWAII VOLCANO CIRCUS LTD
RR2 BOX 4524
PAHOA, HI 96778-9756

Employer Identification Number:
99-0294167
Case Number:
956144055
Contact Person:
TYRONE THOMAS
Contact Telephone Number:
(213) 894-2289
Our Letter Dated:
November 1992
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(2).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

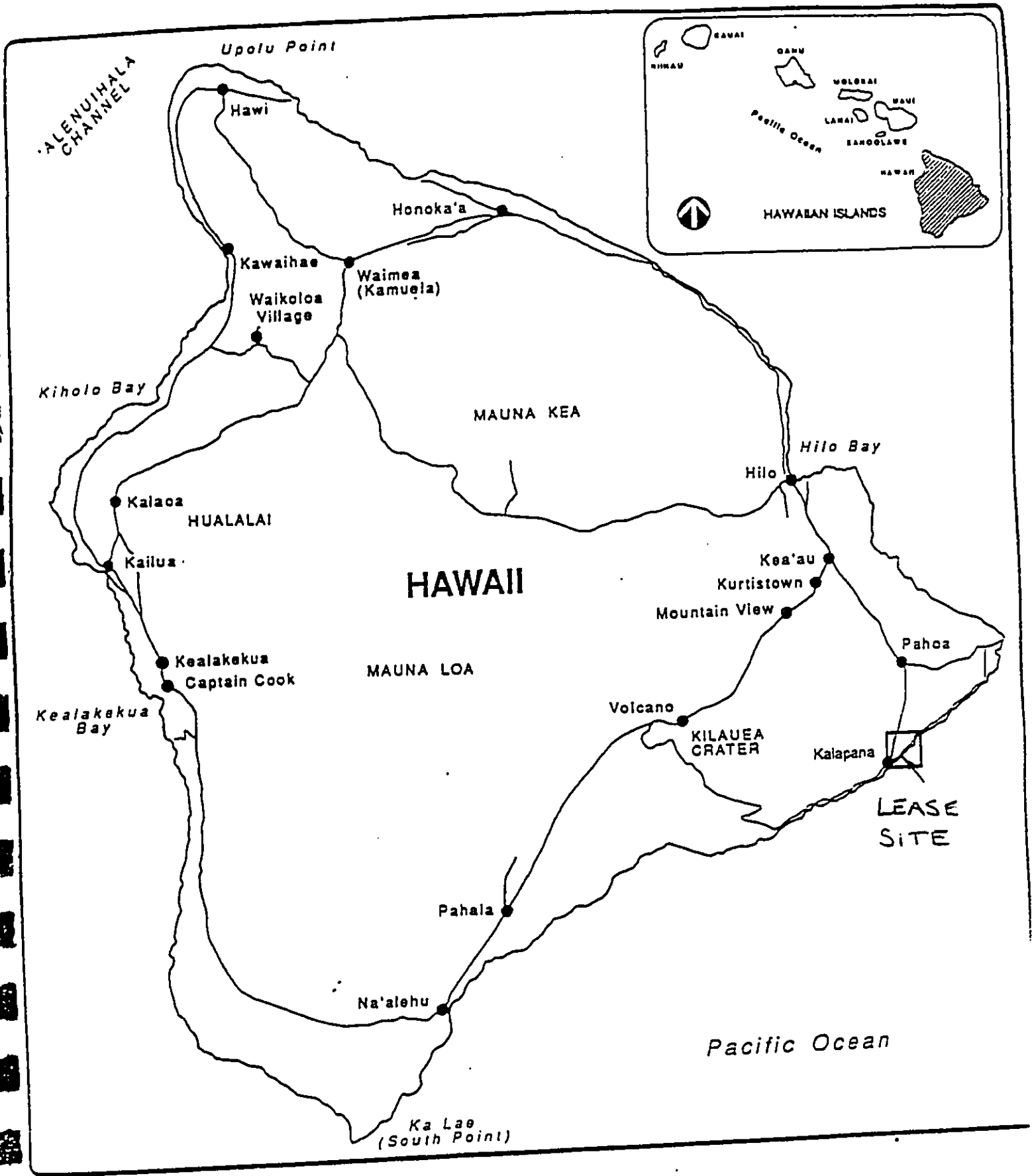
If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

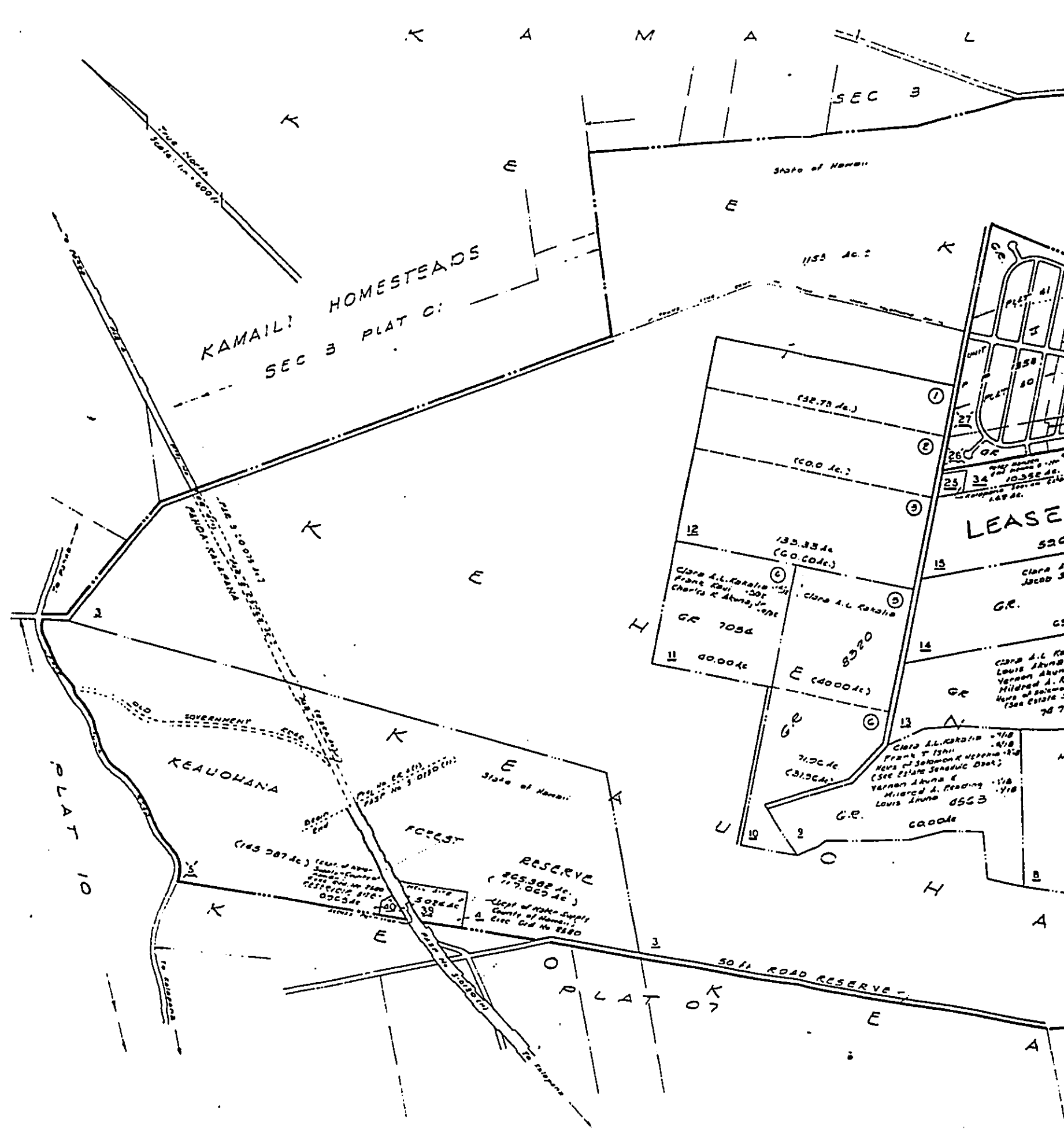


Richard R. Orosco
District Director

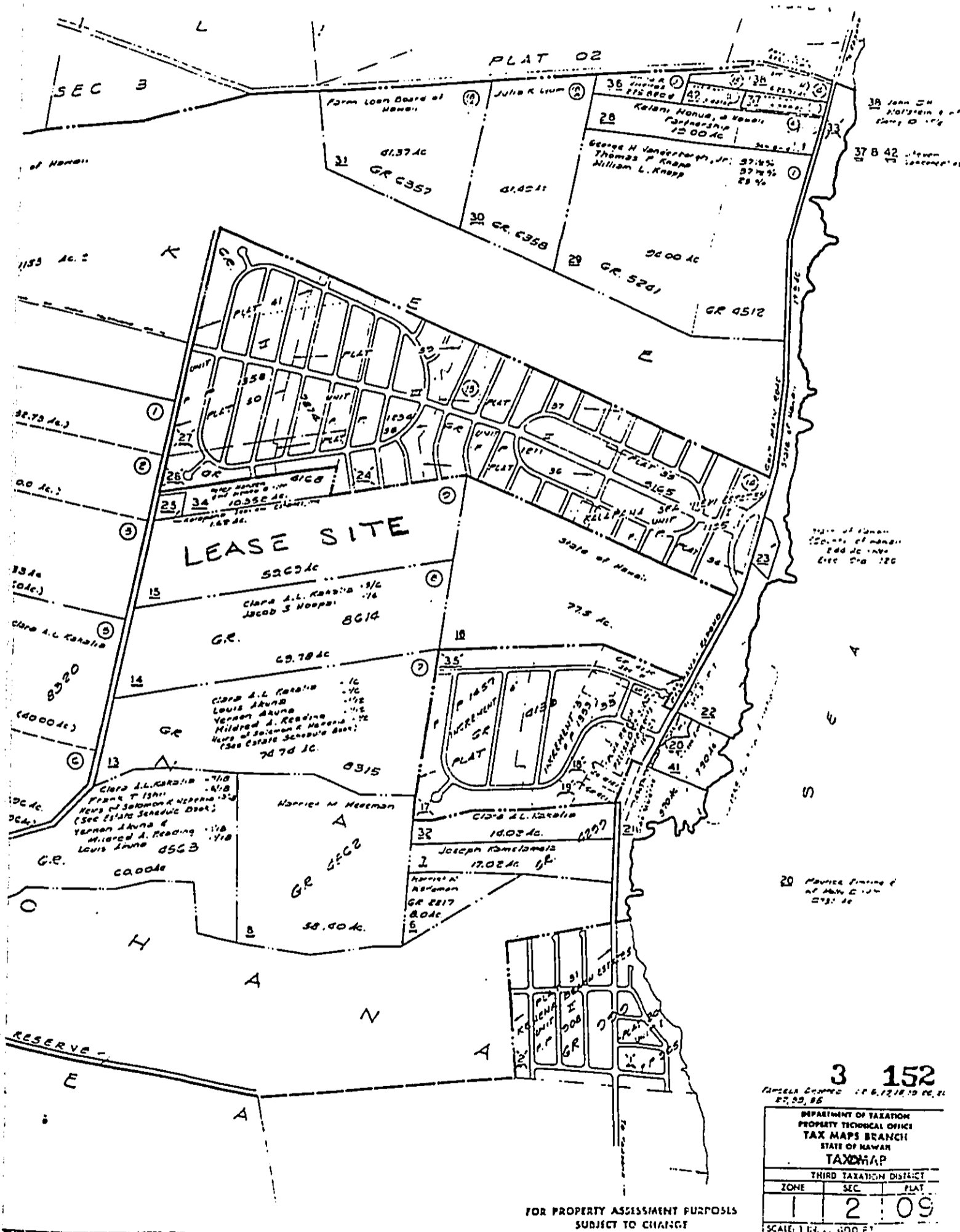
Letter 1050 (DO/CG)



DWG NO. 2807
 DATE: 1/27/50
 BY: R.A.
 SOURCE: 1925



POR KEAUOHANA - KEHENA - KEEKEE HOMESTEAD, PLANS, HAWAII

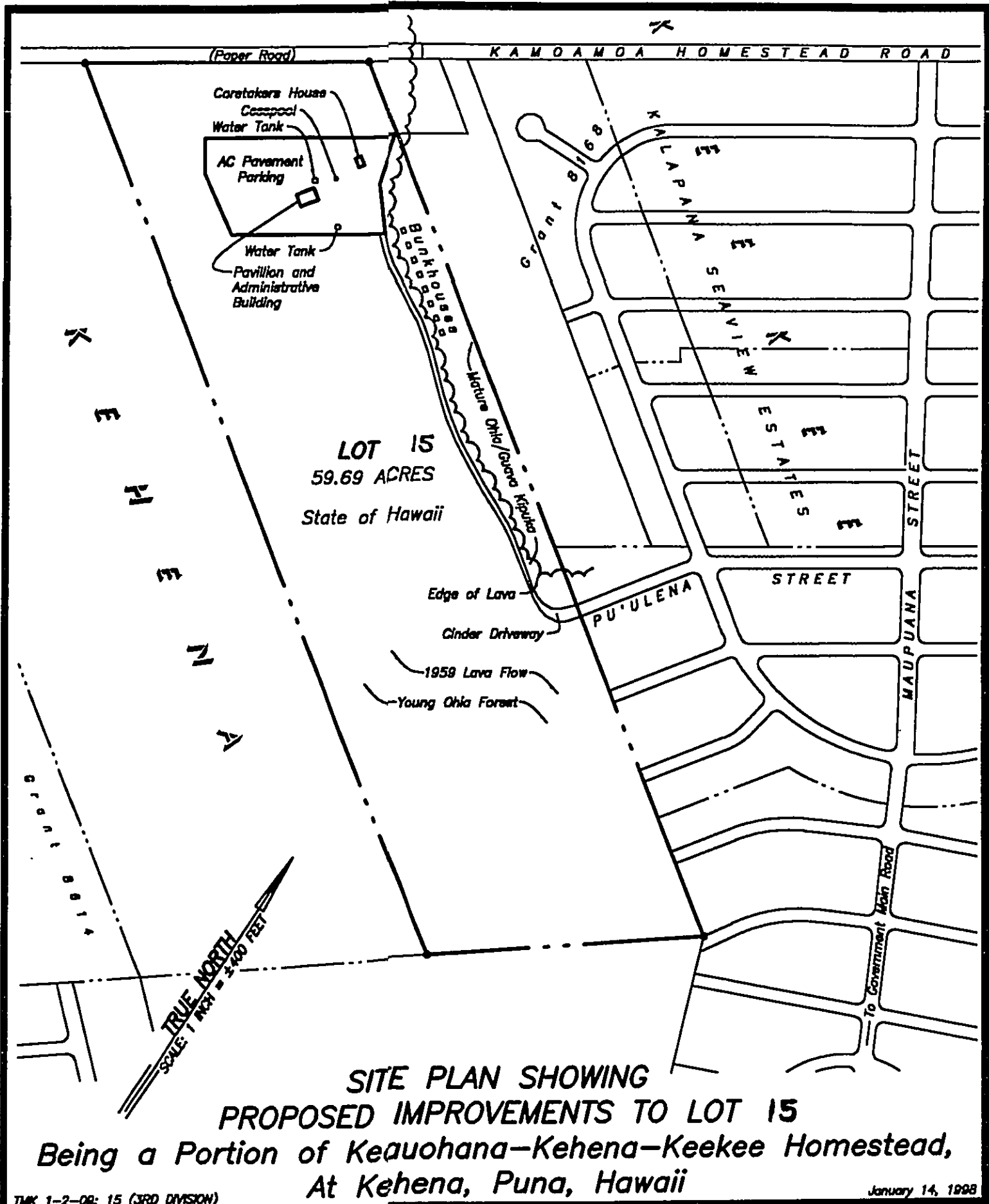


3 152

AMSELA COMPANY INC. 1000 KALANIOU AVENUE, SUITE 200, HONOLULU, HAWAII 96813

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII		
TAXMAP		
THIRD TAXATION DISTRICT		
ZONE	SEC	PLAT
1	2	09
SCALE: 1 IN. = 600 FT.		

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE



TMK 1-2-08: 15 (3RD DIVISION)



SCALE IN FEET(±)

BASEMAP.DGN

January 14, 1998

Prepared For:
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 Pahoa, Hawaii
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