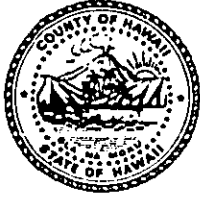


Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director

Henry Cho
Deputy Managing Director

RECEIVED County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

April 19, 2000

VIA HAND DELIVERY

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Subject: Finding of No Significant Impact for Proposed
Sale of Easement for the Construction of a
Telecommunication Tower at Pepe'ekeo and
Makahalanaloa, South Hilo, Hawaii
Tax Map Key: 3rd/2-8-07:70 (Portion)

The County of Hawaii, Office of the Mayor, is the proposing agency and the accepting authority for the above-referenced action and its final environmental assessment. The Proposed Action is a sale of easement over a portion of County of Hawaii owned land. The applicant, USCOC of Hawaii 3, Inc. dba U.S. Cellular, proposes to construct (1) a 265-foot tall telecommunication tower with six nine-foot tall antennae and one fifteen-foot tall lightning rod, (2) an equipment shed with a 240 square foot concrete footprint, (3) a security fence, and (4) an access roadway (the "Project"). The Project will be on the mauka side of Pu'u Alala, a cinder cone located approximately 0.5 miles west of Pepe'ekeo, South Hilo, Hawaii, and further identified as a portion of Tax Map Key: 3rd/2-8-07:70. Comments received during the pre-consultation phase and the draft environmental assessment review period are included in, and where appropriate, addressed in the final environmental assessment.

The County of Hawaii has issued a finding of no significant impact (FONSI) for the Proposed Action because it will have no major impacts on the surrounding environment. The Proposed Action will not disturb any known historical or archaeological sites, will have minimal effect on existing flora and fauna, will have no long-term noise impact on the surrounding environment beyond 100 feet, will have no impact on the air or water quality of the area, will not increase traffic and will not have a detrimental social impact.

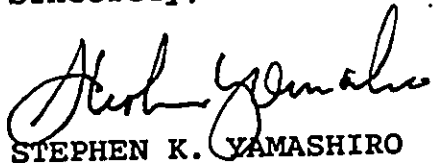
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Ms. Genevieve Salmonson, Director
Page 2

Please publish notice of availability for this Proposed Action in the next scheduled edition of the OEQC Environmental Notice. We have enclosed four (4) copies of the final environmental assessment. The Environmental Notice publication form and summary of the Proposed Action was submitted to your office via email by Mark A. Funaki, Esq. of Cades Schutte Fleming & Wright.

Should you or your staff have any questions on this matter, please feel free to call on Mark A. Funaki, Esq., consultant for the applicant, USCOC of Hawaii 3, Inc. dba U.S. Cellular at (808) 521-9399 or Executive Assistant Glenn Y. Taguchi at (808) 961-8503.

Sincerely,


STEPHEN K. YAMASHIRO
Mayor

Enclosures

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FILE COPY

MAY - 8 2000

2000-05-08-HI-FA- Pepekeo Sale of Easement

**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT**

**UNITED STATES CELLULAR
SALE OF COUNTY OF HAWAI'I LAND BY LICENSE OR EASEMENT
FOR CONSTRUCTION OF TELECOMMUNICATION TOWER SITE**

**TMK: 3rd/ 2-8-7:70 (portion)
PEPE'EKEO AND MAKAHANALOA
DISTRICT OF SOUTH HILO, HAWAI'I**

APPLICANT:

**USCOC of Hawaii 3, Inc., dba
United States Cellular
333 Kilauea Avenue, Space A2
Hilo, Hawai'i 96720**

CONSULTANTS:

**Cades Schutte Fleming & Wright
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813
Attn: Donna Y. L. Leong
Mark A. Funaki**

APPROVING AGENCY:

**Office of the Mayor, County of Hawai'i
25 Aupuni Street, Room 215
Hilo, Hawai'i 96720**

CLASS OF ACTION:

Use of County of Hawai'i Lands

DATE:

April 2000

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QUALITY CONTROL

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LIST OF EXHIBITS

- Exhibit A - TMK showing proposed location of Project
- Exhibit B - US Geological Survey Map showing proposed location of Project
- Exhibit C - Site Plan (Reduced) showing approximate location of Project Site
- Exhibit D - Map and accompanying viewpoint photographs
- Exhibit E - Composite TMK showing approximate location of access roads
- Exhibit F - Letter from Mayor's Office re: anticipating finding of no significant impact

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- Exhibit G - Letter from Mayor's Office re: final finding of not significant impact
- Exhibit H - Photograph rendering of estimated visual impact of Project
- Appendix I - Agency comments and responses
- Appendix J - Letters to Pepe'ekeo community organizations summarizing public input meetings
- Appendix K - Written public comments and responses
- Exhibit L - Botanical survey by Phillip Conley
- Exhibit M - Archaeological study by Bob Rechtman, Ph.D

**FINAL ENVIRONMENTAL ASSESSMENT AND
FINDING OF NO SIGNIFICANT IMPACT
UNITED STATES CELLULAR
SALE OF COUNTY OF HAWAI'I LAND BY LICENSE OR EASEMENT
FOR CONSTRUCTION OF TELECOMMUNICATION TOWER SITE
AT
PEPE'EKEO AND MAKAHANALOA
DISTRICT OF SOUTH HILO, ISLAND, COUNTY AND STATE OF HAWAI'I
TMK: (3) 2-8-7:70 (por.)**

This final environmental assessment is required by Hawai'i Revised Statutes section 343-5(a) (1) as the Project described below proposes the use of County of Hawai'i lands.

I. PROJECT SUMMARY

Description

The proposed action is the direct sale by way of a 20-year license or easement of approximately 9,200 square feet of a portion of County of Hawai'i land (the "Project Site") to construct a telecommunication tower with antennae, lightning rod, equipment shed, security fence, and an extension of an access roadway (the "Project"). The Project will be part of the network of telecommunication towers owned by USCOC of Hawaii 3, Inc., dba United States Cellular, which provides cellular phone service to the island of Hawai'i. The proposed tower is 250 feet tall. Vertically mounted at the top of the tower will be six, nine-foot long antennae and one fifteen-foot long lightning rod, for a total height of 265 feet. The equipment shed will sit on a concrete slab measuring approximately 240 square feet. The facility will be surrounded by a six-foot high chain-link security fence that encloses a 3600 square foot area (60 feet by 60 feet)

Location

The Project will be located on the mauka side of Pu'u 'Alalā, a cinder cone approximately 0.75 miles west of Pepe'ekeo in the South Hilo district on a portion of TMK No. (3) 2-8-7:70 (the "Property"). The Property is owned by the County of Hawai'i.

Major Impacts

The Project will have no major impacts on the surrounding environment. It will not disturb any known historical or archaeological sites and will have minimal effect on existing flora and fauna. There are no known rare, threatened, or endangered species inhabiting the Project Site, although Hawaiian Hawks have been found in densities of 0.002 hawks per hectare foraging in the type of habitat surrounding the Pepe'ekeo Area. See Section VII.I.3., p. 10. The Project will have no noise impact on the surrounding environment beyond 100 feet. It will have no impact on the air or water quality of the area. The Project will not increase traffic congestion. The Project's tower will have a limited impact on the scenic resources of the area. It will have a

Final EA – US Cellular
Pepe'ekeo
April 2000

strong positive social impact on the community; and it will have a beneficial impact on the island's economy.

Proposed Mitigation

While the Project will not impact any known historical or archaeological sites, initial grading of the Project Site will be monitored by an archeologist for skeletal remains. Construction will comply with all State Department of Health rules and regulations.

II. PROPOSING AGENCY

The Office of the Mayor, County of Hawai'i.

III. APPROVING AGENCY

The Office of the Mayor, County of Hawai'i.

IV. PUBLIC INVOLVEMENT

The Project was presented at meetings with two Pepe'ekeo area community organizations. The first information and comment session occurred on February 28, 2000 during a regularly scheduled meeting of the Pepe'ekeo Community Association. Meeting attendees were given an opportunity to comment and pose questions. A letter to Ms. Toni Bello, President of the Pepe'ekeo Community Association, which summarizes concerns expressed and US Cellular's responses is attached at Appendix J, page 1. The Rural South Hilo Community Association was also given an opportunity to comment on the Project at a meeting on March 15, 2000. A letter to Ms. Lorraine Mendoza of that Association, which summarizes concerns expressed and US Cellular's responses is attached at Appendix J, page 3.

V. LIST OF PUBLIC AGENCIES CONSULTED IN MAKING ASSESSMENT

As part of the environmental assessment process, a number of state and county agencies were consulted. Copies of all comments received from and replies sent to these agencies are attached in Appendix I. In addition, information relevant to those replies are discussed in the pertinent sections of this environmental assessment.

A. State Agencies Consulted

1. Department of Land and Natural Resources
2. Department of Health
3. Department of Transportation

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4. Department of Agriculture
5. Department of Budget and Finance
6. Office of Hawaiian Affairs
7. State Planning Department
8. Department of Accounting and General Services, Survey Division

B. County Agencies Consulted

1. Department of Public Works
2. Planning Department
3. Police Department
4. Fire Department
5. Department of Water Supply
6. Department of Research and Development

VI. ACTION'S CHARACTERISTICS

A. Technical Characteristics

The Project consists of (1) a telecommunication tower, antennae and lightning rod, (2) an appurtenant equipment shed, (3) a chain link fence surrounding the tower and shed portion of the Project Site, and (4) a short roadway extension. The Project is part of US Cellular's network of telecommunication towers, which provides cellular phone service to the island of Hawai'i. The purpose of the Project is to receive, process and transmit cellular telephone calls in Pepe'ekeo and the surrounding area.

The proposed tower is a free standing, self-supporting, steel lattice structure approximately 250 feet tall. Six nine-foot long antennae and one fifteen-foot long lightning rod will be vertically mounted at the top of the tower, creating a structure that is a total of 265 feet in height. The appurtenant equipment shed will sit on a concrete slab measuring approximately twelve by twenty feet, creating a footprint of 240 square feet. The tower and equipment shed will be surrounded by a six-foot high chain-link security fence. The fence will enclose a 3600 square feet area, measuring 60 feet by 60 feet.

The Project Site is shown generally on the site plan attached as Exhibit C. While the dimensions of the Project Site will likely be unaffected, the Project Site as shown on the site plan may be rotated slightly to abut the roadway extension that is generally depicted as part of the Project on the site plan.

B. Economic Characteristics

The Project will have a beneficial impact on the economy of the immediate community and of the island of Hawai'i. US Cellular employs approximately 40 people on the island of Hawai'i to support its system. Further, this Project will allow US Cellular to provide cellular phone service to the Pepe'ekeo area, thus increasing the availability, efficiency, convenience and versatility of communications for nearby businesses, residents and government agencies. The increased efficiency in communications resulting from the Project should also indirectly lower costs to consumers.

The cost to construct the Project is estimated at approximately \$530,000 and will be funded entirely by US Cellular. No public monies will be expended for the Project. The ongoing cost to maintain the Project is minimal as the Project is a low-maintenance facility that is not continuously staffed, and except for maintenance and repair, the Project is self-operating. In consideration of the license or easement to be granted by the County of Hawai'i, US Cellular and the County will negotiate a fee at fair market value which will be used to fund the County's construction of a project within the Pepe'ekeo community.

C. Social Characteristics

The Project will have positive social impacts on the surrounding communities and on the island of Hawai'i. This Project will permit US Cellular to provide more complete coverage through its island-wide system, thus allowing its customers more versatility in telecommunication. The Property's location will allow US Cellular to provide cellular telephone service north beyond Honomū, south to Pāpa'ikou, and the corridor of the Hawai'i Belt Highway in this section of the island. In addition, it will extend service southwest towards Pi'ihonua and Kaūmana in the mountains of the region; thus, providing telephone service to residents who were previously unable to install telephones through land-line systems due to the high cost of constructing poles and transmission lines. US Cellular's island-wide system provides a safety mechanism to many segments of island residents, including fishermen and boaters, long-distance commuters, crisis intervention groups, ranchers who work up in the mountains, and residents who have no other means of telecommunication.

No adverse social impact is anticipated on population density or recreational facilities. The Project will not displace any residences.

D. Environmental Characteristics

1. Traffic

There are no long-term traffic impacts associated with the Project. Except during construction, which will take a total of approximately five days (one to pour concrete and four to construct) over the course of a little over a month (the concrete must cure for

approximately 28 to 35 days), virtually no traffic will be generated by the operation of the Project because it will be a low-maintenance, self-operating facility that is not continuously staffed. The Project will require only occasional maintenance and repair.

2. Air Quality

The Project will have no impact on the air quality of the area because it produces no air emissions.

3. Noise Pollution

In the short-term, construction and grading of the Project Site will create some intermittent machinery noise.

However, the Project should have little to no long-term impact on the noise level of the area. After construction, the only audible noise created by the Project will originate from a single air conditioning unit that is necessary to maintain correct temperature and humidity in the equipment shed. The resulting sound will be virtually inaudible from any distance farther than 100 feet except under exceptionally quiet conditions.

4. Water Quality

The Project will have no impact on the water quality of the immediate or larger area as it does not emit, secrete or release substances of any kind into the environment. A Geotechnical Investigation Report dated April 23, 1999, prepared by Redmond & Associates (the "Geotechnical Report") states that no ground water was encountered at the Project Site during exploratory test boring to depths of 31.5 feet.

5. Scenic Resources

Three telecommunication towers are presently located near the summit of Pu'u 'Alalā. Big Island Radio plans to erect a fourth. The Project Site will be located below the summit near the southwest or māuka fringe of the hill. Pu'u 'Alalā is heavily vegetated, creating a natural visual block that will hide the equipment shed and the bottom portion of the tower from view.

Typically, no proposed utility facility completely avoids visual impacts without excessive expenses that prevent cost-effective delivery of the service. As the top of the proposed tower is 250 feet high, it will be visible from the highway. However, the presence of at least three other towers on Pu'u Alalā will mitigate the Project's visual impact. The tallest of the three existing towers stands approximately 180 feet tall at an elevation of approximately 785 feet. The Project's tower will stand approximately 250

feet tall, at a lower elevation of approximately 755 feet. Thus, the top of the Project's tower will be sit approximately 40 feet higher than the top of the tallest current tower at Pu'u Alalā. Big Island Radio's proposed tower, which will stand 195 feet tall at the summit elevation of approximately 785 feet, tower will stand only 25 feet lower than the Project. See Exhibit H (photograph rendering showing approximate and estimated visual impact of the Project¹.)

Given the distance of the Project from the highway, the visual impact of the Project's tower should be limited primarily to the few individuals who may visit Pu'u 'Alalā and to the residents of Kulaimano Homesteads.

As such, the Project does not represent a significant intrusion into public views. Attached as Exhibit D are corresponding numbered photographs and a map showing the location of viewpoint pictures taken in the direction of the Property from the highway and other surrounding spots. Included at page 9 of Exhibit D is a photograph taken from a nearby residential area south of the Project. The photograph depicts the approximate and estimated visual impact of the Project from that spot.

6. State Survey Facility

The Project Site lies more than 315 feet southwest of government Survey Triangulation Station, "PU'U 'ALALĀ." In relation to the Triangulation Station, the Project Site is aligned directly behind another telecommunication tower that is approximately 30 feet southwest of the Triangulation Station. The distance of the Project Site from the Survey Triangulation Station and the position of the Project's tower directly behind another telecommunication tower will allow the Project to be constructed without imposing any visual obstacle that would interfere with the Survey Triangulation Station.

7. Radio Frequency Exposure, Congestion and Interference; Fall Radius

The County of Hawai'i Police Department and the County of Hawai'i Department of Water raised concerns about radio frequency ("RF") exposure and congestion. See Appendix I, pages 5 and 13. US Cellular's responses to these letters from the County of Hawai'i Police Department dated December 3, 1999 and December 15, 1999 are attached at Appendix I, pages 7, 8 and 14. As stated in US Cellular's responses, there is no significant risk of adverse RF exposure from the Project because it is a low-power facility and the aggregate RF emissions from all towers at the Project Site will be monitored by US Cellular-owned and Federal Communications Commission ("FCC") approved

¹ A reproducible depiction of Big Island Radio's proposed tower was unavailable. Therefore, a photograph rendering of both the Project and the proposed Big Island Radio could not be generated.

devices on a routine basis. Further, the FCC regulates RF congestion by assigning a different section of the RF waveband spectrum to each FCC licensee, and the wave band spectrum is wide enough to accommodate hundreds of thousands of FCC licensees. US Cellular plans to conduct its own intermodulation study to assess the potential for RF congestion at the Project Site prior to construction and operation of the Project. The Project is designed to pose little or no "fall-radius" threat as it is designed to fall upon itself. Finally, a limitation on the number of towers on Pu'u Alalā was discussed during negotiation with the County. US Cellular has agreed to a limitation and will permit co-location of up to five other communications operators. US Cellular will not be obligated to co-locate another operator if it impairs or compromises the operation of US Cellular's or other users' improvements and existing facilities at the Project Site.

8. 'Io or Hawaiian Hawk

Written comments were received regarding the presence of an I'o or Hawaiian Hawk (*Buteo Solitarius*) population at the Project Site. See Appendix K. These comments are addressed in section VII.I.3. below.

9. Other

The Project should have no other significant long-term or short-term environmental impacts.

VII. SUMMARY DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. Location

The Project Site is located on the mauka side of Pu'u 'Alalā, a cinder cone that is approximately 0.75 miles west of the town of Pepe'ekeo in the district of South Hilo on a portion of Tax Key No. (3) 2-8-7:70. See tax map attached hereto as Exhibit A and United States Geological Survey topographic map attached hereto as Exhibit B.

B. Utilities and Access

The only utility the Project requires is power, which is currently available to the Property. The Project will require the construction of one power pole near the Project Site.

The Project is accessed off the Hawai'i Belt Highway via existing cane-haul dirt roads. The road leading to Pu'u 'Alalā is generally located to the north and east of the lot and crosses parcels having TMK Nos. (3) 2-8-7:70 and (3) 2-8-4:1. The general location of those roads is shown in the TMK maps attached as Exhibit E.

C. Elevation and Slope

According to the Geotechnical Report, the Project Site is located at an elevation of approximately 755 feet. According to the United States Natural Resources Conservation Service, the Project Site sits on land with a slope of approximately 0% to 10%.

D. Soils

The United States Natural Resources Conservation Service identifies the soils of the area as comprising both Hilo silty clay loam ("HoC") and Kawaiki silty clay loam ("KaC") to the approximate depth of 60 or more inches. Both classifications represent well drained soils that are normally situated on level to moderately sloping uplands. The surface layer of both soils are classified as moderately acid. The permeability of both soils is considered rapid with a slow runoff. The erosion hazard for both is considered slight.

The Geotechnical Report states that the area is underlain by Mauna Kea Volcano and Hāmākua volcanic bedrock materials of the Pleistocene age. These bedrock deposits consist of an upper layer of soft to medium, stiff and/or loose, sandy and clayey silt to a depth of about 18 feet. All soils were found to be underlain by a lower layer of moderately weathered cinder materials to a maximum depth explored of about 31.5 feet.

According to the State Department of Agriculture, the Land Study Bureau Overall Master Productivity Rating of the Project Site is "Fair." It is classified as "Prime" on the Agricultural Lands of Importance to the State of Hawai'i (ALISH) map, which means that the property has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed according to modern farming methods.

E. Land Use Designation

The Property is within the State Land Use Urban District and is zoned "Open" by the County of Hawai'i. The County's General Plan Land Use Pattern Allocation Guide Map designates the area as "Low Density Urban Development." There is no county community plan or design plan to which the Property is subject, and the Property is not located in the special management area, as such term is defined under Hawai'i Revised Statutes chapter 205A.

F. Rainfall and Flood Insurance Rate Map Rating

According to the United States Natural Resources Conservation Service, the Property receives annual rainfall of approximately 150 inches. There are no known drainage channels within the Property and the area is designated, "X," meaning that it sits in an area which has been determined to be outside the 500 year flood plain by the FIRM maps. As such, there is little risk of flood at the Project Site.

G. Seismic Hazards

The Project Site, along with much of the Big Island, is subject to geologic hazards, especially lava flows and earthquakes. According to Volcanic and Seismic Hazards on the Island of Hawaii published by the U.S. Department of the Interior, U.S. Geological Survey (rev. 1997), the location of the Project Site is given a rating of Lava Flow Hazard Zone 8 (on a scale of ascending risk 1 to 9). Lava Flow Hazard Zone 8 areas have had none of their surfaces covered by lava within the past 750 years. As such, there is almost no risk of lava flow at the Property.

According to Appendix 25, Chapter 25-15 of the Uniform Building Code ("UBC"), the entire Big Island is assigned a Seismic Hazard rating of 4 (on a scale of ascending risk 0 to 4). The UBC contains specific structural requirements that account and compensate for any risk associated with this hazard.

H. Surrounding Uses and Facilities or Residences

At least three existing telecommunication towers and their appurtenant structures are located near the summit of Pu'u 'Alalā. To the west of the Property are improvements where a family processes a ginger crop. Otherwise, the Property and the area surrounding the Property, which is a former sugarcane field, are unimproved. Portions of the larger surrounding area are currently used for some small-scale commercial crops, including dry field taro.

Andrade Camp, which is northeast of the Property, served as the initial residential settlement in the area. The subsequently developed Kula'imano Homesteads -- another surrounding residential community -- stretches out to the south and east of the Property. The closest residences are approximately 0.25 miles to the north, on the southern edge of Andrade Camp.

I. Flora and Fauna

1. Flora and Vegetation

A botanical survey was performed at the Project Site by biologist Philip Conley in October of 1999. See Exhibit L.

There are no old growth plants within the area of the Project Site or the proposed access roadway. The Site is populated primarily with California grass (*Branchiaria mutica*) and feral sugar cane (*Saccharum officinarum*).

However, the general area includes the following species: morning glory (*Ipomoea indica*), false staghorn fern (*Dicranopteris linearis*), ferns (*Pityrogramma colomelanos* and *Blechnum occidentale*) silver fern (*Deparia prolifera*), common

swordfern (*Nephrolepis exaltata*), scaley swordfern (*Nephrolepis hisotula*), bamboo orchid (*Arundina bambusaefolia*), strawberry guava (*Psidium cattleianum*), guava (*Psidium guajava*), sensitive plant (*Mimosa pudica*), sedge grass (*Pycreus polystachyos*), broom sedge (*Andropogon vriginicus*) bushy beard grass (*Andropogon glomeratus*), feathery pennisetum (*Pennisetum polystachion*), Bermuda grass (*Cynodon dactylon*), vasey grass (*Paspalum urvillei*), cyperus grass (*Cyperus hypochlorus*), Florida beggar weed (*Desmodium tortuosum*), partridge pea (*Chamaecrisia nictitans*), agevatum (*Ageratum conyzoides*), flora's paintbrush (*Emilia fosbergii*), vitex (*Vitex ovata*) and fiddlewood (*Citharexylum spinosum*).

2. Fauna

The biologist observed no animals on or near the Project Site during his two visits to the area. However, the Hawaiian Hawk has been observed in the Pepe'ekeo area. See section VII.I.3. below.

3. Conservation Value

The Site is not located near any significant habitats or bodies of water that require special protection. Although, no listed candidate or proposed rare, threatened, or endangered animal or plant species was observed in the area immediately surrounding the Project Site, written comments were received from a nearby resident regarding his observation 'Io or Hawaiian Hawk (*Buteo Solitarius*) at Pu'u Alalā. A review of the Project by Mr. John Klavitter, a graduate student who performed island-wide demographic studies on the Hawaiian Hawk population of the island of Hawai'i in 1998 and 1999 reveals that the area within 300 meters of the Project contains "no nesting habitat since there are no large trees", but that foraging Hawaiian Hawks have been "found in densities of 0.002 hawks/hectare . . . in this type of habitat around the Pepe'ekeo area." Mr. Klavitter concludes that the Project should not have a negative impact on the island's population of Hawaiian Hawks. See Appendix K, page 3.

J. Historical or Archaeological Sites

An archaeological study performed by a Dr. Bob Rechtman, a senior archaeologist at Paul H. Rosendahl, PhD, Inc., revealed no archaeological resources within the Project Site. See Exhibit M. Further, no archaeological resources have been formally identified in the larger immediate vicinity. Information from local informants suggested that some human skeletal remains may have been found when the existing access road to Pu'u 'Alalā was created. Thus, while grading of the Project Site will not adversely affect any known historic or archaeological sites, initial grading and grubbing of the Project Site will be monitored by a qualified archaeologist as a protective measure in the event that remains are in fact discovered.

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April 2000

Concerns expressed by the Office of Hawaiian Affairs (see Appendix I, page 1) regarding consultation with local representatives of the Hawaiian community were addressed during the publication and public comment period. Dr. Rechtman contacted Ululani Sherlock of the East Hawai'i Office of Hawaiian Affairs as well as four representatives of the local community: Kepā Maly of Kumu Pono Associates, Gilbert Demotto, former resident of Kulai'mano, Jimmy Correa of the Papaiko Seniors Group and Walter Victor of the Laupāhoehoe Hawaiian Civic Club. None of these individuals possessed knowledge of any traditional Hawaiian practices associated with Pu'u Alalā. See Appendix I, page 4 (letter report from Dr. Rechtman).

VIII. SUMMARY OF IMPACTS

A. Short Term Impacts

Impacts: In the short term, land clearing and construction activities of the Project will create intermittent noise, machinery exhaust, and perhaps dust. As noted, these activities are scheduled to be completed quickly: about five days of work over a 28 to 35 day period.

Mitigation: All construction activities will comply with State Department of Health regulations regarding dust and erosion control.

B. Long Term Impacts

Impacts: The scenic characteristics of the Project Site will be slightly altered by the tower, although any such impact is considerably mitigated by the presence of existing radio towers on the Property that create similar visual impacts. See Exhibit D. Otherwise, all other long-term impacts are beneficial ones to the economic and social characteristics of the community, as set forth above.

Mitigation: The equipment shed and the lower portion of the tower will essentially be hidden because of their position on the downslope and mauka side of the hill. The tower will not be painted as the gray color of the galvanized steel best matches the hues of the sky and ocean.

IX. ALTERNATIVES CONSIDERED

A. Alternative Sites

Three sites were initially considered by US Cellular as being suitable for the Project: the currently proposed Project Site and two sites on nearby property owned by C. Brewer Homes, Inc. ("Brewer"). The Brewer sites were eliminated because Brewer does not want to encumber its property at this time.

B. No Project

The alternative of not undertaking the Project is undesirable because it would diminish US Cellular's ability to provide cellular phone service in the Pepe'ekeo area, thereby precluding US Cellular from providing complete island-wide service.

X. **MITIGATION MEASURES**

As noted, while the Project will not impact any known historical or archaeological sites, due to the potential discovery of human skeletal remains, initial grading and grubbing of the Project Site will be monitored by a qualified archeologist.

XI. **FINAL DETERMINATION**

The Office of the Mayor has issued a finding of no significant impact for the Project. See anticipated finding of no significant impact in letter dated December 10, 1999, attached as Exhibit F; and final finding of no significant impact in letter dated April 19, 2000 and attached as Exhibit G.

XII. **FINDINGS SUPPORTING ANTICIPATED DETERMINATION**

The Project will not have any significant effect because:

- A. it will not involve an irrevocable commitment or loss of any natural or cultural resources;
- B. it will not curtail the range of beneficial uses of the immediate environment;
- C. it will not conflict with the state's long-term environmental policies or goals as expressed in Hawai'i Revised Statutes chapter 344;
- D. it will not disturb any known historical or archaeological sites;
- E. it will have minimal effect on existing flora and fauna and there are no known rare, threatened, or endangered species at the Project Site or in the immediate vicinity other than the Hawaiian Hawk; yet, the Project should not have an adverse impact on the Hawaiian Hawk which does not nest in the area;
- F. it will have no noise impact on the surrounding environment beyond 100 feet from the Project Site;
- G. it will have no impact on the air or water quality of the area because it will not release any emissions or substances into the air or ground water;

H. it will have virtually no traffic impact, except during the short construction period, as it will be self-operating and will require only occasional maintenance;

I. it will not adversely affect public health;

J. it will not have substantial adverse secondary impacts;

K. it will not substantially degrade environmental quality;

L. it will not have cumulative adverse effects upon the environment and it does not involve a commitment for a larger action;

M. it is not located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land estuary, fresh water or coastal waters;

N. it does not substantially affect scenic vistas and viewplanes identified in county or state plans or studies;

O. it does not require substantial energy consumption;

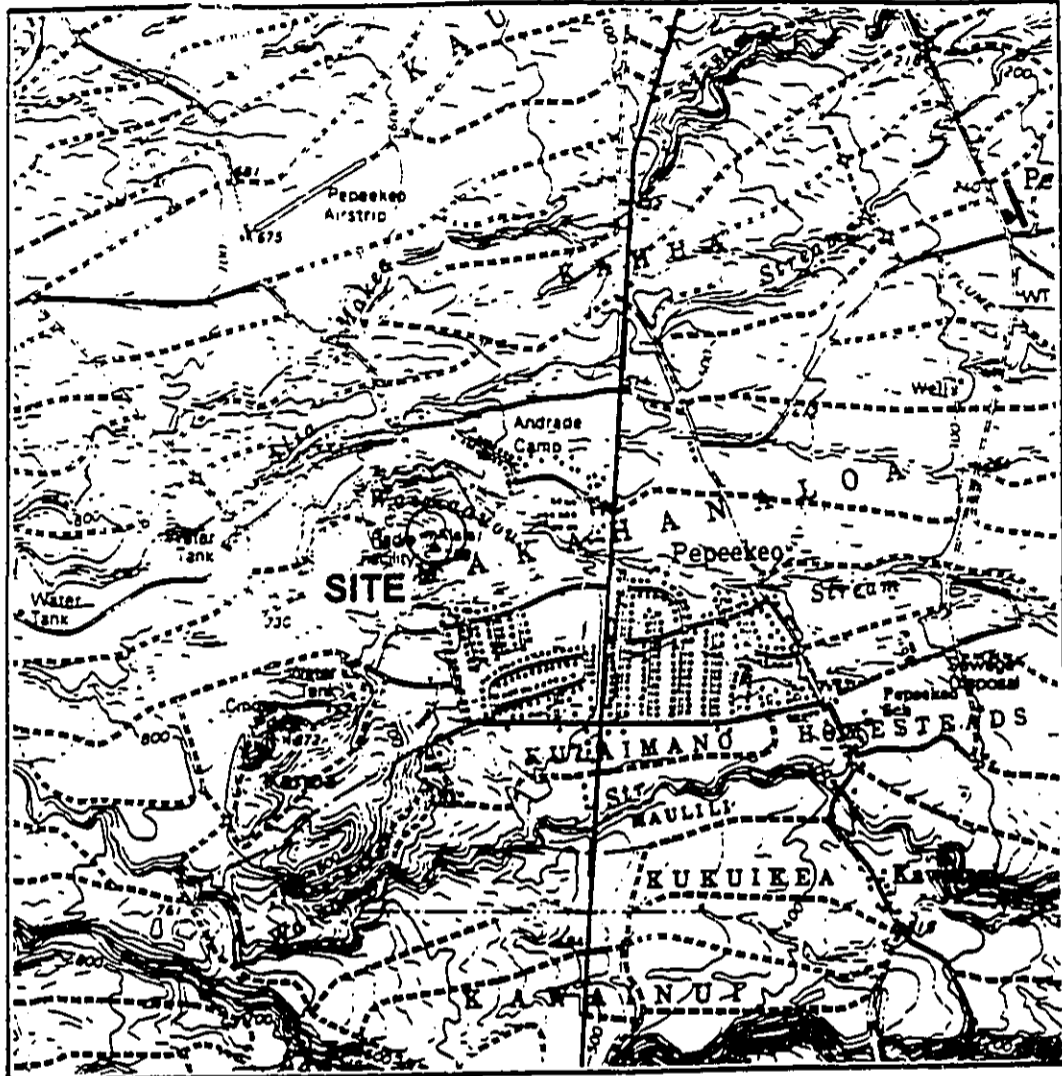
P. it will substantially and positively affect the social welfare of the community; and

Q. it will have a beneficial, positive impact on the economy of the immediate area and on the island of Hawai'i.

XIII. LIST OF ALL PERMITS AND APPROVALS REQUIRED

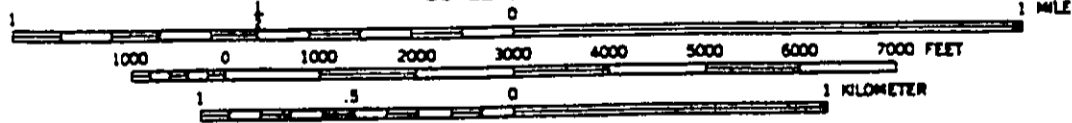
A. County Council approval to grant a license or easement to US Cellular for the Project Site through negotiation pursuant to Hawai'i County Code section 2-114 (1995).

B. Plan Approval from the County Planning Department pursuant to Hawai'i County Code chapter 25, as amended, division 7 and more particularly, HCC section 25-2-71.



PAPAIKOU QUADRANGLE
 HAWAII-HAWAII CO.
 ISLAND OF HAWAII
 7.5 MINUTE SERIES (TOPOGRAPHIC)

SCALE 1:24 000

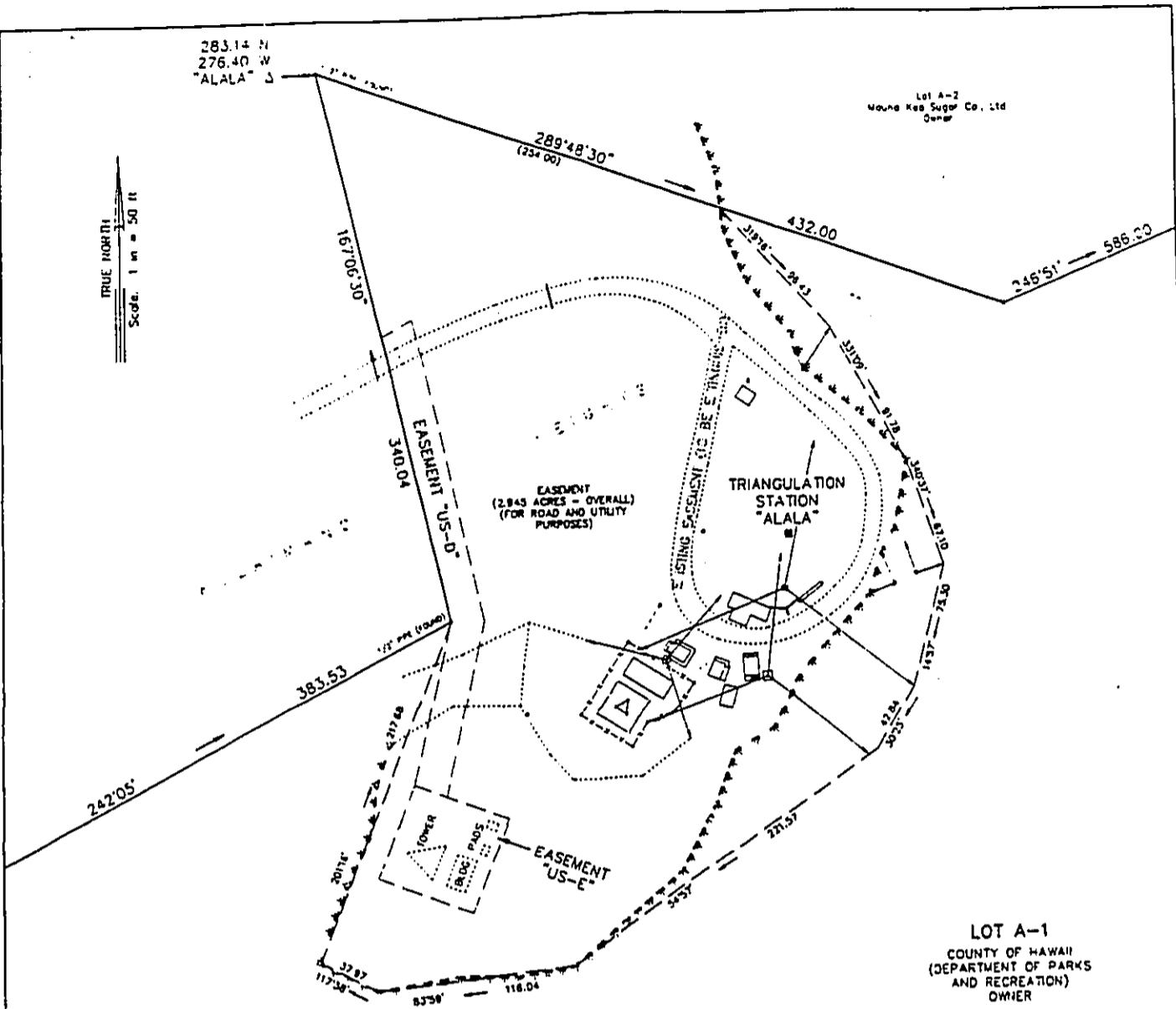


CONTOUR INTERVAL 20 FEET
 DATUM IS MEAN SEA LEVEL

SITE VICINITY MAP

PROPOSED PEPEEKEO CELL SITE

EXHIBIT B



Lot A-2
Moune Kee Sugar Co., Ltd
Owner

TRUE NORTH
Scale: 1 in = 50 ft

LOT A-1
COUNTY OF HAWAII
(DEPARTMENT OF PARKS
AND RECREATION)
OWNER

REDUCED REDUCED REDUCED REDUCED



PREPARED BY
ISLAND SURVEY
P.O. BOX 4215
HILO, HAWAII 96720
ROBERT T. SHIKAI
State of Hawaii Cert. No. CS-5885

PLAN SHOWING
THE DESIGNATION OF EASEMENT "US-D" AND "US-E"
(FOR ROAD AND UTILITY PURPOSES)
BEING A PORTION OF LOT A-1
KULAIMANO HEIGHTS, UNIT IX
(BEING A PORTION OF R.P. 7192, L.C.A.W. 8559-B
APANA 17 AND 18 TO WILLIAM C. LUNALILO)
MAKAHANALOA AND PEPEKEO, SOUTH HILO,
ISLAND OF HAWAII, HAWAII

Survey and Plan by Island Survey, Inc.
P.O. Box 4215, Hilo, Hawaii 96720
SEPTEMBER 20, 1999

EXHIBIT C

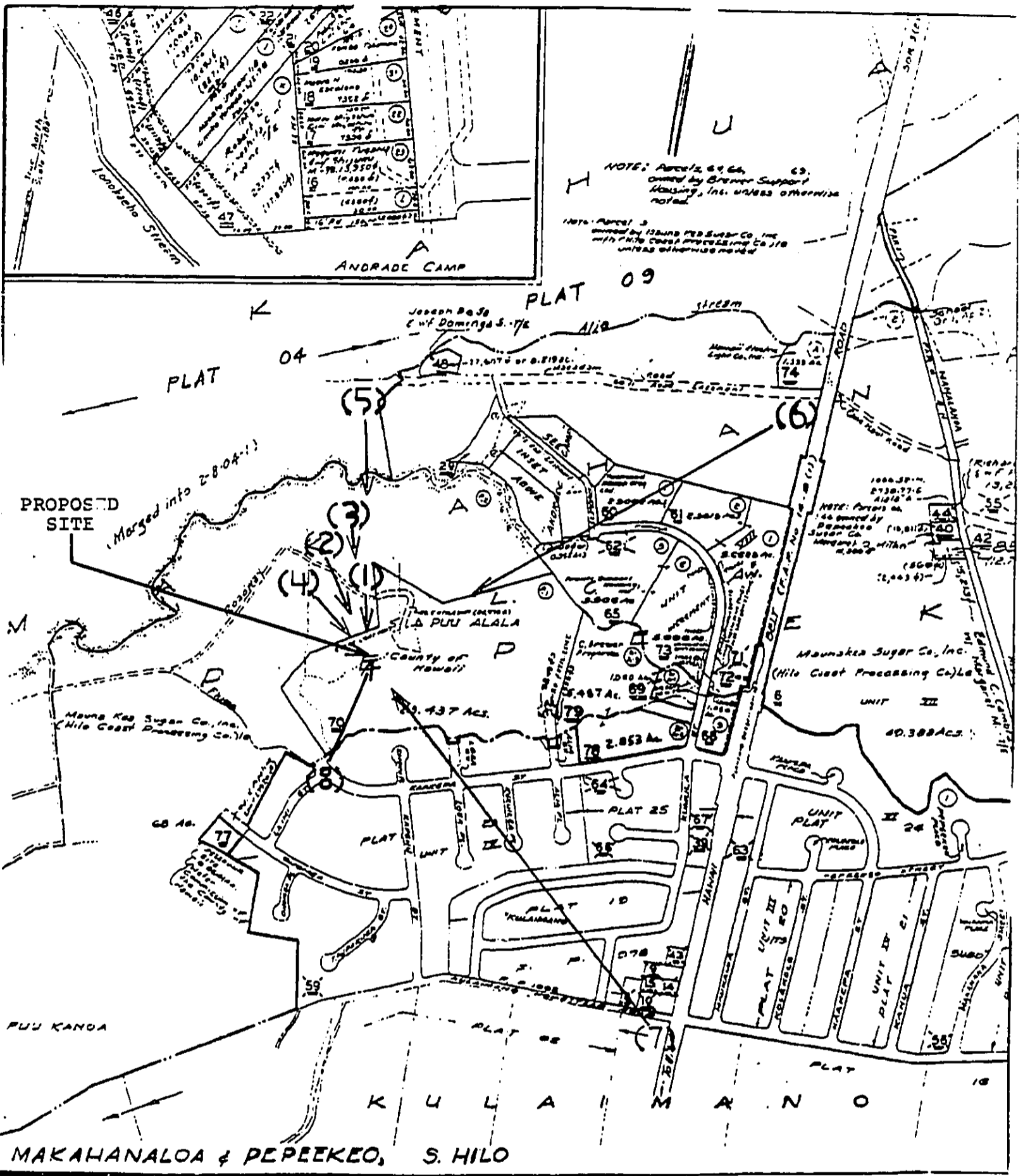


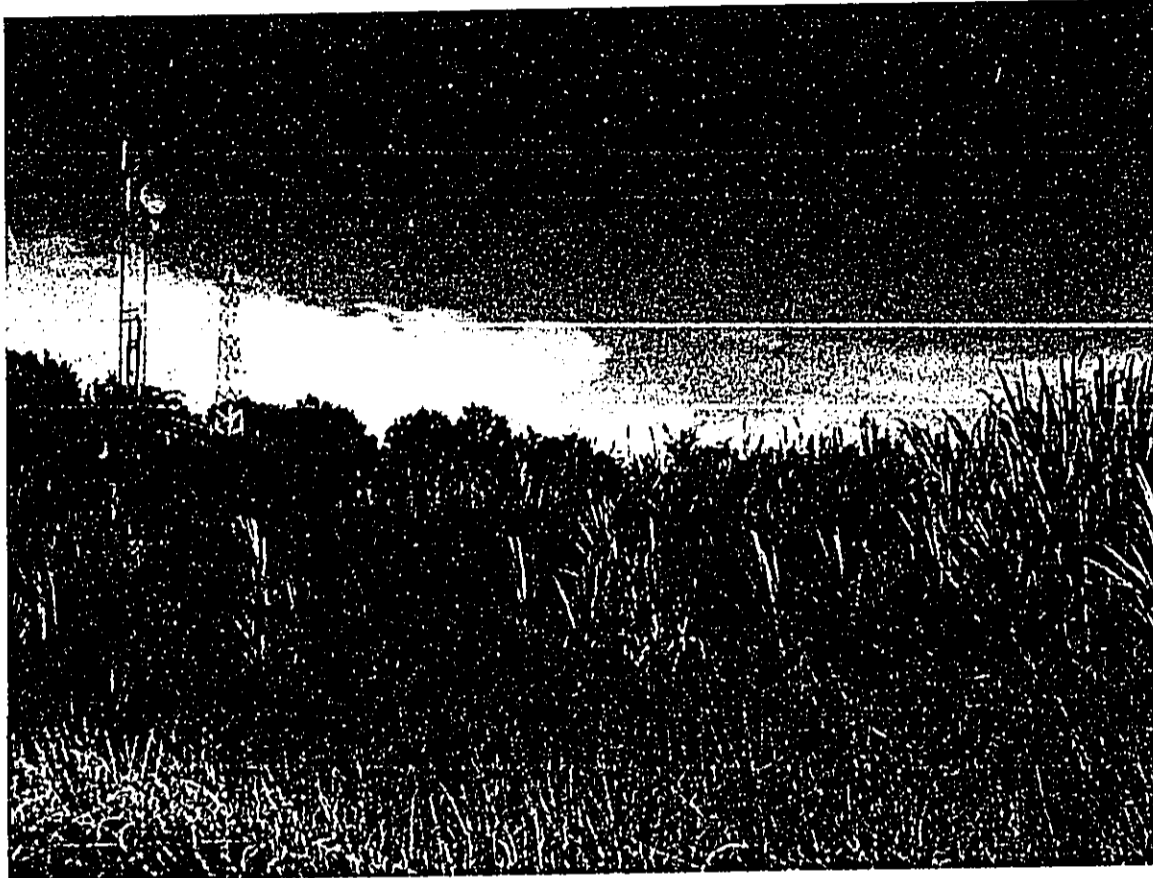
EXHIBIT D

THIRD	DIVISION
ZONE	PLAT
28	07
CONTAINING PARCELS	



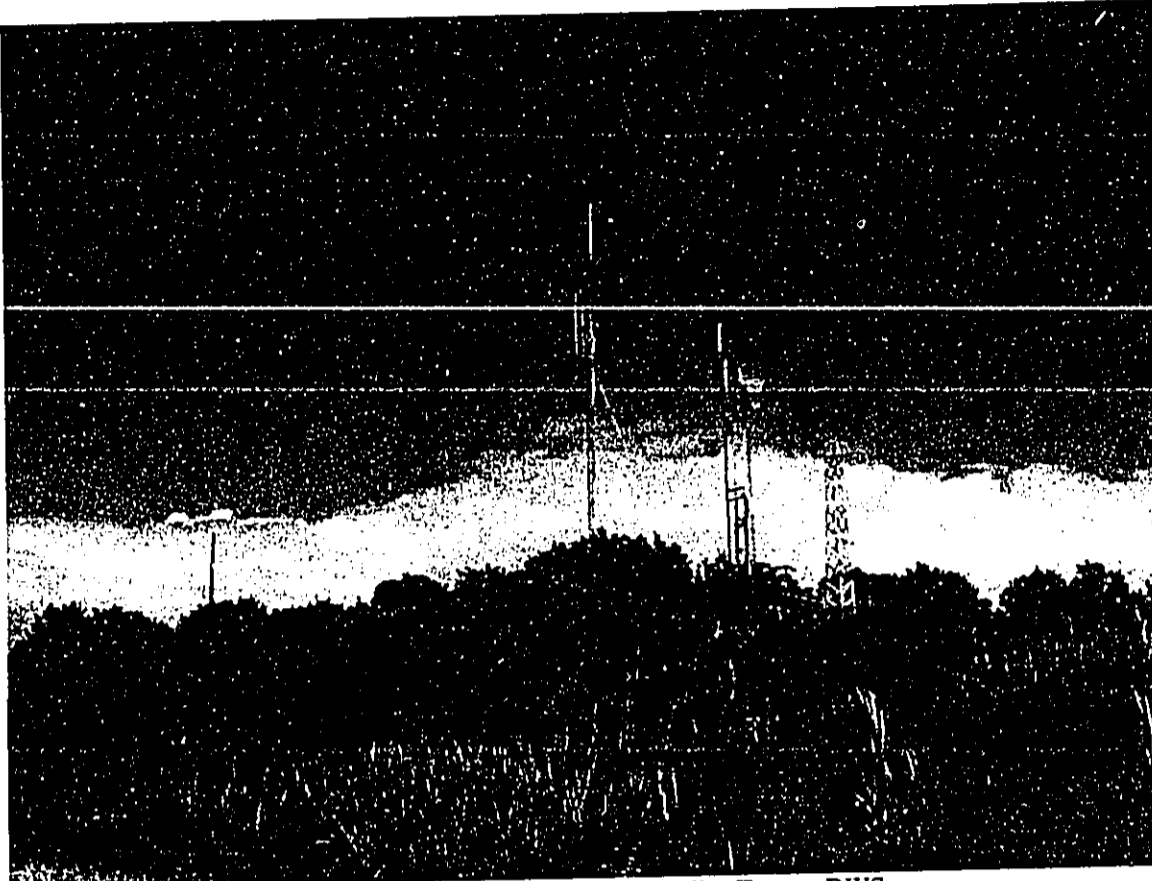
VIEWPOINT #1
(View of proposed site from existing dirt road, facing South)

EXHIBIT D
Page 2



VIEWPOINT #2
(facing South)

EXHIBIT D
Page 3



Abandoned
Cellular Tower

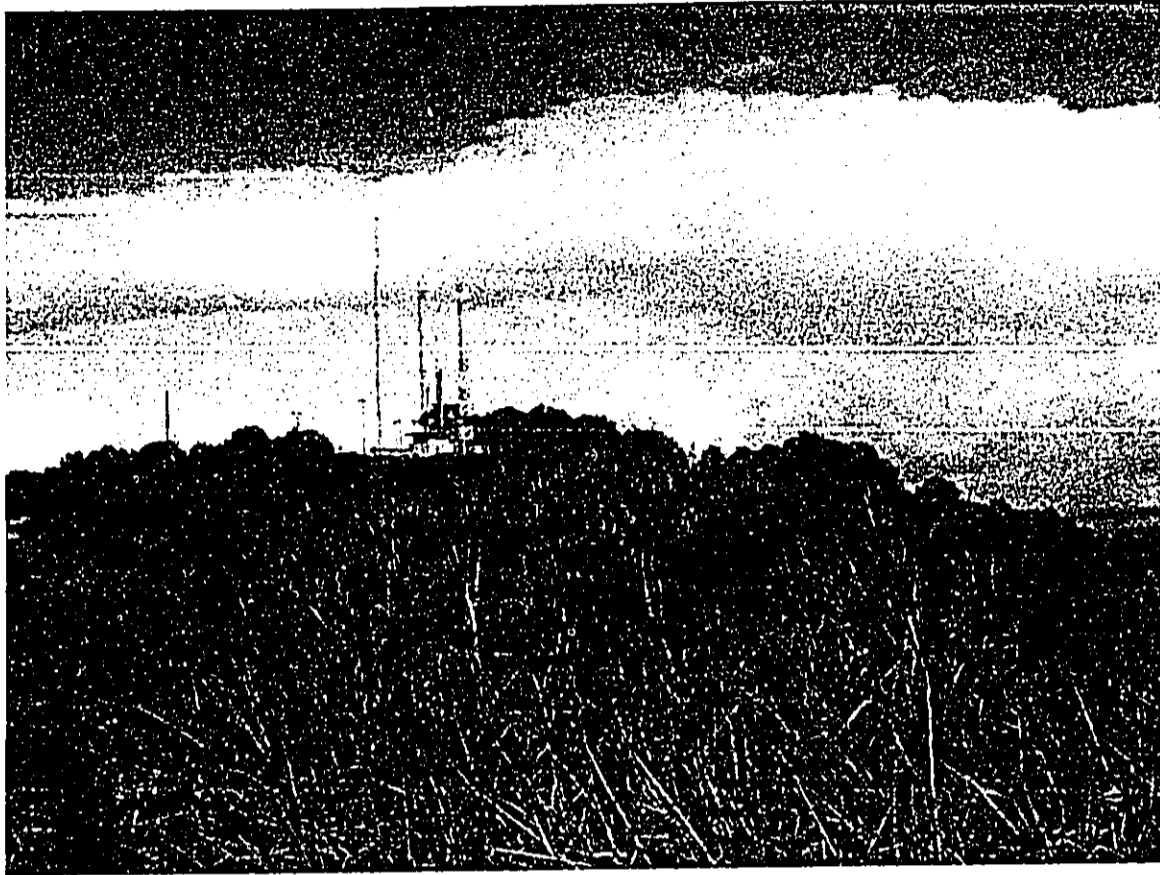
Radio Tower

Police Tower

DWS
Tower

**VIEWPOINT #3
(facing South)**

EXHIBIT D
Page 4



VIEWPOINT #4
(facing Southeast)

EXHIBIT D
Page 5



VIEWPOINT #5
(facing South)

EXHIBIT D
Page 6



VIEWPOINT #6
(facing Southwest from Hawai'i Belt Highway)

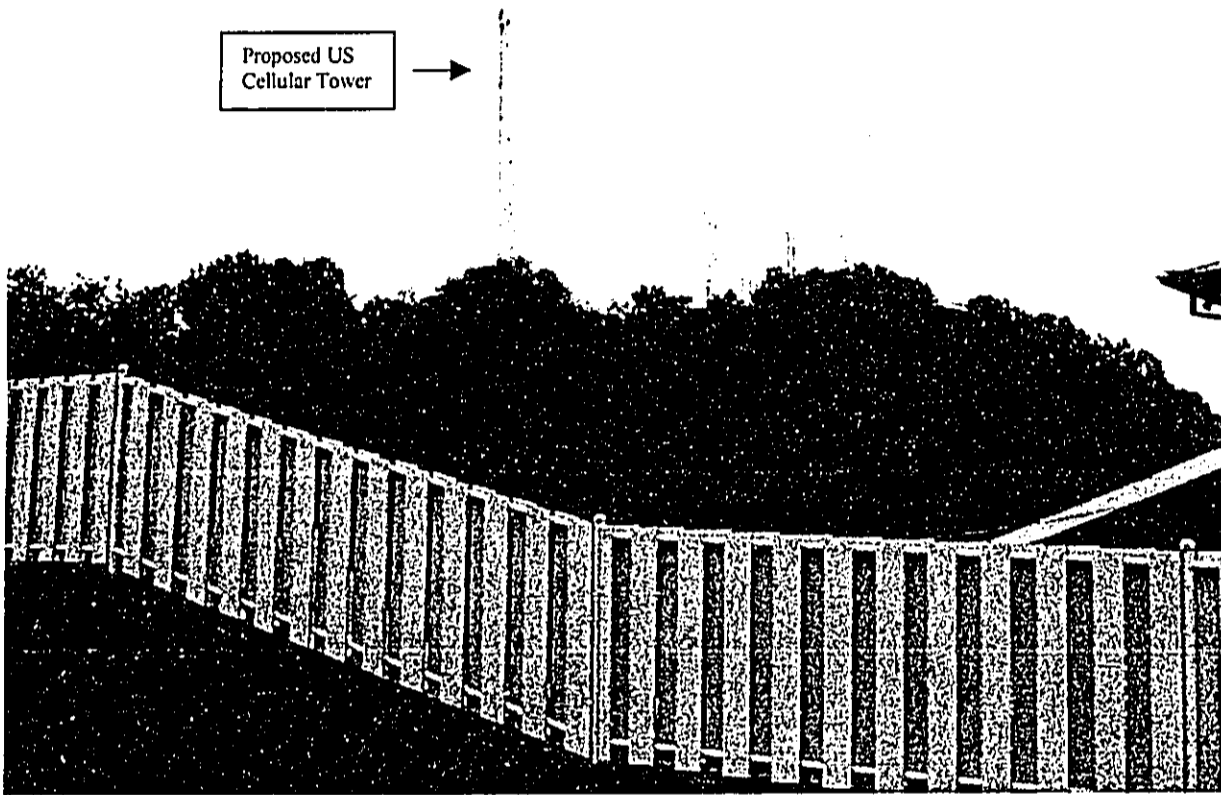
EXHIBIT D
Page 7



Post Office

VIEWPOINT #7
(facing Northwest)

EXHIBIT D
Page 8



VIEWPOINT #8
(facing Northeast)

EXHIBIT D
Page 9

Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director
Henry Cho
Deputy Managing Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

December 10, 1999

VIA HAND DELIVERY

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Subject: Notice of Anticipated Finding of No Significant
Impact for Proposed Sale of Easement for
Construction of Telecommunication Tower at
Pepe'ekeo and Makahanaloa, South Hilo, Hawaii
Tax Map Key: 3rd/2-8-07:70 (Portion)

The County of Hawaii, Office of the Mayor is the proposing agency and the accepting authority for the above-referenced action and its draft environmental assessment. The Proposed Action is a sale of easement over a portion of County of Hawaii owned land. The applicant, USCOC of Hawaii 3, Inc. dba United States Cellular, proposes to construct (1) a 265-foot tall telecommunication tower with six nine-foot tall antennae and one fifteen-foot tall lightning rod, (2) an equipment shed with a 240 square foot concrete footprint, (3) a security fence, and (4) an access roadway (the "Project"). The Project will be on the mauka side of Pu'u Alala, a cinder cone located approximately 0.5 miles west of Pepe'ekeo, South Hilo, Hawaii, and further identified as a portion of Tax Map Key: 3rd/2-8-07:70.

The County of Hawaii anticipates a finding of no significant impact for the Proposed Action because it will have no major impacts on the surrounding environment. The Proposed Action will not disturb any known historical or archaeological sites, will have minimal effect on existing flora and fauna, will have no long-term noise impact on the surrounding environment beyond 100 feet, will have no impact on the air or water quality of the area, will not increase traffic and will not have a detrimental social impact.

EXHIBIT F

Page 1

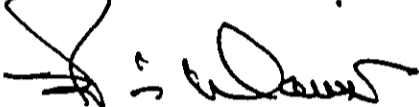
Ms. Genevieve Salmonson, Director
Page 2


Should you or your staff have any questions on the DEA for the Proposed Action, please feel free to call on the following:

County of Hawaii
25 Aupuni Street, Room 215
Hilo, HI 96720
Attn: Glenn Y. Taguchi, Executive Assistant
(808) 961-8503

Mark A. Funaki, Esq.
Cades Schutte Fleming & Wright
1000 Bishop Street, Suite 1200
Honolulu, HI 96813
(808) 521-9399

Sincerely,



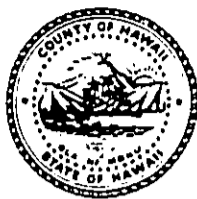
STEPHEN K. YAMASHIRO
Mayor

c: William G. Davis, Managing Director
Mark A. Funaki, Esq.

EXHIBIT F

Page 2

Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director

Henry Cho
Deputy Managing Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-6211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

April 19, 2000

VIA HAND DELIVERY

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Subject: Finding of No Significant Impact for Proposed
Sale of Easement for the Construction of a
Telecommunication Tower at Pepe'ekeo and
Makahalanaloa, South Hilo, Hawaii
Tax Map Key: 3rd/2-8-07:70 (Portion)

The County of Hawaii, Office of the Mayor, is the proposing agency and the accepting authority for the above-referenced action and its final environmental assessment. The Proposed Action is a sale of easement over a portion of County of Hawaii owned land. The applicant, USCOC of Hawaii 3, Inc. dba U.S. Cellular, proposes to construct (1) a 265-foot tall telecommunication tower with six nine-foot tall antennae and one fifteen-foot tall lightning rod, (2) an equipment shed with a 240 square foot concrete footprint, (3) a security fence, and (4) an access roadway (the "Project"). The Project will be on the mauka side of Pu'u Alala, a cinder cone located approximately 0.5 miles west of Pepe'ekeo, South Hilo, Hawaii, and further identified as a portion of Tax Map Key: 3rd/2-8-07:70. Comments received during the pre-consultation phase and the draft environmental assessment review period are included in, and where appropriate, addressed in the final environmental assessment.

The County of Hawaii has issued a finding of no significant impact (FONSI) for the Proposed Action because it will have no major impacts on the surrounding environment. The Proposed Action will not disturb any known historical or archaeological sites, will have minimal effect on existing flora and fauna, will have no long-term noise impact on the surrounding environment beyond 100 feet, will have no impact on the air or water quality of the area, will not increase traffic and will not have a detrimental social impact.

EXHIBIT G

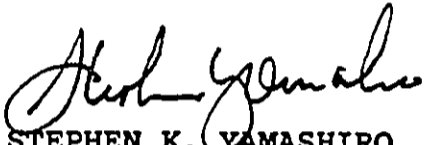
Page 1

Ms. Genevieve Salmonson, Director
Page 2

Please publish notice of availability for this Proposed Action in the next scheduled edition of the OEQC Environmental Notice. We have enclosed four (4) copies of the final environmental assessment. The Environmental Notice publication form and summary of the Proposed Action was submitted to your office via email by Mark A. Funaki, Esq. of Cades Schutte Fleming & Wright.

Should you or your staff have any questions on this matter, please feel free to call on Mark A. Funaki, Esq., consultant for the applicant, USCOC of Hawaii 3, Inc. dba U.S. Cellular at (808) 521-9399 or Executive Assistant Glenn Y. Taguchi at (808) 961-8503.

Sincerely,


STEPHEN K. YAMASHIRO
Mayor

Enclosures

EXHIBIT G

Page 2



Exhibit H

IMANHONO:295180.1



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

December 2, 1999

Mr. William G. Davis
Managing Director
County of Hawai'i
25 Aupuni Street, Room 215
Hilo, Hawai'i 96720

SUBJECT: DRAFT EA ON U.S. CELLULAR TOWER EASEMENT

Dear Mr. Davis:

This is in response to your request for pre-publication comments on the Draft Environmental Assessment (DEA) for the sale of an easement for telecommunication tower site purpose at Pepe'ekeo and Makahanaloa, South Hilo, Hawai'i.

As a general matter, the DEA is a concise, well-written document focusing on those elements necessary to support a finding of no significant impact. However, several deficiencies detract from its overall quality and potentially undercut the legitimacy of its conclusions.

First, while the DEA makes much of the fact that three towers already exist on the same mound, it fails to provide any information on the size of the proposed tower relative to the size of the existing towers. The DEA should provide information on the size of the existing towers in Section D.5. on page 5. From this, the potential impact of the proposed 265-foot tower as represented in the pictures contained in Exhibit D could be better assessed.

Second, while Section VI.J. does refer to "local informants", there is no discussion in the DEA documenting any attempt to consult with the surrounding community and in structured or focused manner. If such consultations were undertaken, they should be discussed. If such consultations were not undertaken, the reasons supporting this failure should be documented. A review of the individuals or entities, which have been asked to provide pre-publication comments, reveals no local representatives of the Hawaiian community in and around South Hilo. To the extent that the project might implicate cultural rights, burials, traditional practices or access, such consultations with the local

APPENDIX I

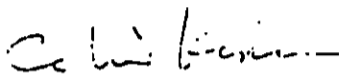
Page 1

Mr. William David
December 2, 1999
Page 2

Hawaiian community are critical to any meaningful assessment. What the cultural practitioners and kupuna of the local Hawaiian community know could be critical to properly evaluating what an archaeologist might suspect.

I hope that the above comments prove helpful in your pre-publication evaluation process. Should you have any additional questions, please contact Mr. Aloit at (808) 594-1850.

Sincerely,



Colin Kippen
Deputy Administrator

c: Cades Schutte Fleming & Wright
CEC, Hilo



CADES SCHUTTE FLEMING & WRIGHT
ATTORNEYS AT LAW

Cades Schutte Fleming & Wright Building - 1000 Bishop Street - Suite 1200 - Honolulu, Hawaii 96813-4210
P.O. Box 939 - Honolulu, Hawaii 96808-0939 - Tel (808) 521-9200 - Fax (808) 521-9210 - www.cades.com

Donna Y. L. Leong - (808) 521-9232 - Direct Fax (808) 540-5026 - E-mail dleong@cales.com

December 10, 1999

Mr. Colin Kippen
Office of Hawaiian Affairs
State of Hawai'i
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawai'i 96813

Mr. Kippen:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. Thank you for your comment letter dated December 2, 1999 in response to the pre-publication draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). The purpose of this letter is to respond to your letter.

In response to your concerns regarding consultation with the Hawaiian community, Dr. Bob Rechtman will attempt to contact cultural practitioners and kupunas in the Pepe'ekeo community for further input.

In regards to your concerns regarding the relative height of existing towers on Pu'u Alalā, be advised that the tallest of the existing towers stands approximately 180 feet tall at an elevation of 785 feet. The Project's tower will stand approximately 250 feet tall at a lower elevation of 755. This should create an aggregate height discrepancy of approximately 40 feet.

We trust this information and Dr. Rechtman's efforts will responds to your concerns. Please call me if you have any questions or would like more information

Very truly yours,

Donna Y. L. Leong
for

CADES SCHUTTE FLEMING & WRIGHT

cc: Jerry Erickson
Glenn Taguchi

IMANHONO:270223.1

APPENDIX I

Page 3

PHRI

Paul H. Rosendahl, Ph.D., Inc.

Archaeological • Historical • Cultural Resource Management Studies & Services
204 Waihanu Avenue • Hilo, Hawaii 96720 • (808) 969-1763 • FAX (808) 961-6998
P.O. Box 23305 • G.M.F., Guam 96921 • (671) 472-3117 • FAX (671) 472-3131

February 23, 2000

99-2016

Mark Funaki
Cades, Schutte, Fleming, and Wright
1000 Bishop Street
Honolulu, HI 96740
Fax (808) 540-5080

Via fax (original mailed)

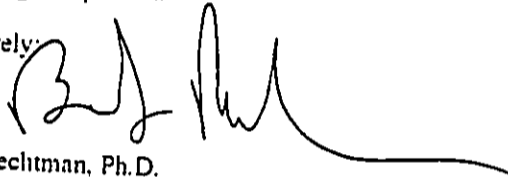
Dear Mr. Funaki:

As a follow-up to the archaeological survey of a roughly 60 x 60 foot area and 30 foot wide access roadway corridor above Pepe'ekeo, behind Pu'u Alala in Makahanaloa Ahupua'a, South Hilo District, Island of Hawai'i, Paul H. Rosendahl, Ph.D., Inc. (PHRI) conducted further inquiries into the cultural significance of the area. Specifically, we tried to identify any person with knowledge of traditional Hawaiian use or practices associated with Pu'u Alala.

To gather information PHRI contacted Ululani Sherlock at the east Hawaii Office of Hawaiian Affairs, Kepā Maly of Kumu Pono Associates, Gilbert Demotto a former resident of Kula'imano, Jimmy Correa of the Papaiko Seniors Group, and Walter Victor of the Laupāhohoe Hawaiian Civic Club. None of these individuals had any knowledge pertinent to the issues in question, and collectively were not able to refer me to anybody who might possess any relevant information.

Once again, thank you for the opportunity to provide you with these services. Should you have any questions, or would like further information please feel free to contact me at our Hilo office (808) 969-1763, or by e-mail at phrirbr@interpac.net.

Sincerely,



Bob Rechtman, Ph.D.
Senior Archaeologist

APPENDIX I

Page 4

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

December 3, 1999

TO: STEPHEN K. YAMASHIRO, MAYOR
FROM: ~~Wayne G.~~ WAYNE G. CARVALHO, POLICE CHIEF
SUBJECT: PRE-PUBLICATION OF DRAFT ENVIRONMENTAL ASSESSMENT
FOR THE SALE OF AN EASEMENT FOR TELECOMMUNICATION
TOWER SITE PURPOSES AT PEPE'EKEO AND MAKAHANALOA,
SOUTH HILO, HAWAII, TAX MAP KEY: 3rd/2-8-07: 70 (PORTION)

This responds to your memorandum of November 17, 1999, requesting comments on the easement sale to United States Cellular.

We recommend the County of Hawaii first conduct a radiofrequency (RF) interference study at Alala Cone before placing another tower at this site.

Three radio towers and two pole supported radio antennas now exist at the Pu'u 'Alala cinder cone. Big Island Radio Inc. is scheduled to build a fourth tower at this site and we raised the same concerns when this firm applied to erect the structure. These many towers in one location will create RF congestion and could easily exceed the RF exposure limits established by the Federal Communication Commission (FCC).

We also recommend the county establish a plan that limits the number of radio towers allowed at Alala, and encourage multiple use of tower space on existing structures. Be advised, however, that more users would mean exceeding RF exposure limits, which may result in the cost for an engineer assessment and new equipment to comply with FCC regulations. Another critical concern involves worker exposure to an excessive RF environment.

STEPHEN K. YAMASHIRO, MAYOR
DECEMBER 3, 1999
PAGE 2

We also urge the requirement of a minimum "fall radius" for all new structures should a catastrophe occur or during inclement weather where a tower would collapse or fall onto another tower.

Should you have further questions on this matter please contact Radio Technician Leslie Matsumoto at 961-2280.

CMC

cc: Cades Schutte Fleming & Wright



CADES SCHUTTE FLEMING & WRIGHT
ATTORNEYS AT LAW

Cades Schutte Fleming & Wright Building • 1000 Bishop Street • Suite 1200 • Honolulu, Hawaii 96813-4216
P.O. Box 939 • Honolulu, Hawaii 96808-0939 • Tel (808) 521-9200 • Fax (808) 521-9210 • www.cades.com

Donna Y. L. Leong • (808) 521-9232 • Direct Fax (808) 540-5026 • E-mail dleong@cales.com

December 10, 1999

Mr. Wayne Carvalho, Police Chief
Police Department
County of Hawai'i
349 Kapi'olani Street
Hilo, Hawai'i 96720-3998

Mr. Carvalho:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. Thank you for your comment letter dated December 3, 1999 in response to the pre-publication draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). The purpose of this letter is to respond to your letter.

Your letter raised concerns about radio frequency ("RF") exposure, congestion and interference resulting from the addition of the Project to the collection of towers at Pu'u Alalā in Pepe'ekeo. The Federal Communications Commission (the "FCC") regulates RF congestion, interference and exposure. The FCC prevents and regulates RF congestion and interference by assigning different sections of the RF wave band spectrum to each FCC licensee. Notwithstanding this FCC regulation, US Cellular plans to conduct its own intermodulation study to assess the potential for RF interference at the Project site.

In addition, the Project is a low-power facility; therefore, no significant RF exposure should occur as a result of its operation. However, RF exposure will be monitored by US Cellular's engineers who periodically visit the Project with FCC approved devices designed to measure the level of RF exposure at the site. In the unlikely event that RF exposure in excess of FCC permissible levels is detected, the Project area would be evacuated and the problem quickly rectified.

Your letter also expressed a concern previously discussed by US Cellular with the Office of the Mayor regarding a limitation on the number of towers allowed on Pu'u Alalā. US Cellular generally agreed to such a limitation concept and confirms that it does and will permit co-location of certain other users of tower space on the Project.

Finally, US Cellular will provide you shortly with documentation that demonstrates the Project's tower is designed to pose little or no "fall radius" threat.

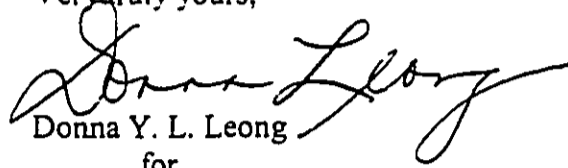
APPENDIX I

Page 7

Mr. Wayne Carvalho, Police Chief
December 10, 1999
Page 2

We trust this information responds to your concerns. Please call me if you have any questions or would like more information.

Very truly yours,



Donna Y. L. Leong
for

CADES SCHUTTE FLEMING & WRIGHT

cc: Jerry Erickson
Glenn Taguchi

IMANHONO:270222.1

Stephen K. Yamashiro
Mayor



Edward Bumatay
Fire Chief

Russel M. Miyao
Deputy Fire Chief

County of Hawaii

FIRE DEPARTMENT

777 Kilauea Avenue • Mall Lane, Room 6 • Hilo, Hawaii 96720-4239
(808) 961-8297 • Fax (808) 961-8296

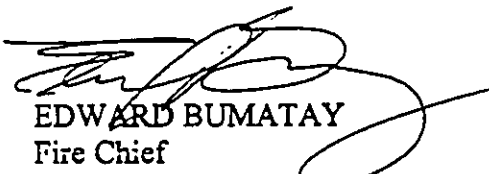
November 23, 1999

Mr. Mark A. Funaki
Cades Schutte Fleming & Wright
P. O. Box 939
Honolulu, Hawaii 96808

Dear Mr. Funaki:

**SUBJECT: PRE-PUBLICATION DRAFT OF ENVIRONMENTAL ASSESSMENT FOR THE
SALE OF AN EASEMENT OR TELECOMMUNICATION TOWER SITE
PURPOSES AT PEPEEKEO AND MAKAHANALOA SOUTH HILO**

We have received the draft and have no comments at this time.


EDWARD BUMATAY
Fire Chief

EB/ek

Enclosure copy of receipt

APPENDIX I
Page 9



Stephen K. Yamashiro
Mayor



Diane S. Quitiquit
Director

County of Hawaii


DEPARTMENT OF RESEARCH AND DEVELOPMENT

25 Aupuni Street, Room 219 • Hilo, Hawaii 96720-4252
HILO: (808) 961-8366 • Fax (808) 935-1205 - KONA: (808) 329-5226 • Fax (808) 326-5663
E-mail: chresdev@interpac.net

November 24, 1999

MEMORANDUM

To: William G. Davis, Managing Director, County of Hawaii

From : Raymond Carr, Economic Development Specialist 

Subject: Pre-Publication of Draft Environmental Assessment for the Sale of an Easement for Telecommunication Tower Site Purposes at Pepe'ekeo and Makahanaloa, South Hilo, Hawaii, Tax Map Key: 3rd/2-8-07:70 (Portion)

The referenced draft environmental assessment has been reviewed by the Hawaii County Department of Research and Development. We have no comments to make at this time.

c.c. Diane Quitiquit, Director
Mark A. Funaki, Esq., Cades Schutte Fleming & Wright

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

KAZU HAYASHIDA
DIRECTOR

DEPUTY DIRECTORS
BRIAN K. MINAI
GLENN M. OKIMOTO

IN REPLY REFER TO:

AIR-P
99.0766

December 13, 1999

The Honorable Stephen K. Yamashiro
Mayor
County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720-4252

Dear Mayor Yamashiro:

Thank you for the opportunity to review the Draft Environmental Assessment (EA) for the sale of an easement for telecommunications tower site purposes at Peepeekeo and Makahanaloa, south Hilo, Hawaii.

We have no comments to the Draft EA. We do not see any impacts to the Hilo International Airport.

However, due to the height of your telecommunication tower, you must submit a Federal Aviation Administration Form 7460-1 Notice of Proposed Construction or alteration to the FAA, Honolulu District Office.

Please have your staff contact Stephen Takashima, Senior Planner, of the Airports Division at (808) 838-8810 to clarify any questions you may have.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kazu Hayashida".

KAZU HAYASHIDA
Director of Transportation

c: ✓Cades Schutte Fleming & Wright



CADES SCHUTTE FLEMING & WRIGHT
ATTORNEYS AT LAW

Cades Schutte Fleming & Wright Building • 1000 Bishop Street • Suite 1200 • Honolulu, Hawai'i 96813-4216
P.O. Box 939 • Honolulu, Hawai'i 96808-0939 • Tel (808) 521-9200 • Fax (808) 521-9210 • www.cades.com

Donna Y. L. Leong • (808) 521-9232 • Direct Fax (808) 540-5026 • E-mail dleong@cales.com

January 20, 2000

Mr. Kazu Hayashida, Director
Department of Transportation
State of Hawai'i
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097

Re: Pre-publication Draft Environmental Assessment for USCOC of
Hawaii 3, Inc., Sale of Easement for Telecommunication Tower at
Pepe'ekeo and Makahanaloa, South Hilo, Hawai'i

Dear Mr. Hayashida:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. Thank you for your comment letter dated December 13, 1999 in response to the pre-publication draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). We have been asked by the Office of the Mayor to respond to your letter.

US Cellular is aware that, due to the height of the tower proposed for the Project, US Cellular report must file Federal Aviation Administration Form 7460-1, Notice of Proposed Construction with the FAA. United States Cellular will file Form 7460-1 in a timely manner.

We trust this information responds to your concerns. Please call me if you have any questions or would like more information.

Very truly yours,


Donna Y. L. Leong
for
CADES SCHUTTE FLEMING & WRIGHT

cc: David Briggs (with 12/13/99 comment letter)
Jerry Erickson (with 12/13/99 comment letter)
Glenn Taguchi

MANHONO:272703.1

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Page 12



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

December 15, 1999

Mr. Mark A. Funaki
Cades Schutte Fleming & Wright
P.O. Box 939
Honolulu, HI 96808

**COMMENT ON DRAFT ENVIRONMENTAL ASSESSMENT FOR
U.S. CELLULAR TOWER SITE AT PEPEEKEO**

We appreciate your effort in getting comments from all the possible affected agencies.

The Department has one concern—will the new facility interfere or degrade the quality of existing Department of Water Supply or other agencies' radio communications at the site?

Please address this issue in the future drafts of the Environmental Assessment.

If you have any questions, please contact Mr. Clyde Young at (808) 961-8790.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

CY:dms

APPENDIX I

Page 13

... Water brings progress...



CADES SCHUTTE FLEMING & WRIGHT

ATTORNEYS AT LAW

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P.O. Box 939 • Honolulu, Hawai'i 96808-0939 • Tel (808) 521-9200 • Fax (808) 521-9210 • www.cades.com

Donna Y. L. Leong • (808) 521-9232 • Direct Fax (808) 540-5026 • E-mail dleong@cales.com

January 20, 2000

Mr. Milton D. Pavao, P.E., Manager
Department of Water Supply
County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

Re: Pre-publication Draft Environmental Assessment for USCOC of
Hawaii 3, Inc., Sale of Easement for Telecommunication Tower at
Pepe'ekeo and Makahanaloa, South Hilo, Hawai'i

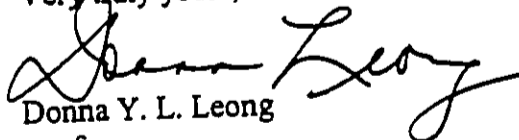
Dear Mr. Pavao:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. Thank you for your comment letter dated December 15, 1999 in response to the pre-publication draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). We have been asked by the Office of the Mayor to respond to your letter.

Your letter inquired whether the addition of the Project to the collection of radio towers at Pu'u Alalā in Pepe'ekeo will interfere with or degrade the quality of existing radio communications at the site. The Federal Communications Commission (the "FCC") regulates and prevents radio frequency ("RF") congestion and interference by assigning different sections of the RF wave band spectrum to each FCC licensee. Therefore, no congestion should occur. In addition to that FCC regulation, US Cellular plans to conduct its own intermodulation study to assess the potential for RF interference at the Project site before construction. We would be pleased to inform you of the results of US Cellular's study.

We trust this information responds to your concerns. Please call me if you have any questions or would like more information.

Very truly yours,


Donna Y. L. Leong

for
CADES SCHUTTE FLEMING & WRIGHT

cc: David Briggs (with 12/15/99 comment letter)
Jerry Erickson (with 12/15/99 comment letter)
Glenn Taguchi

APPENDIX I

Page 14

MANHONO:272700.1

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 15, 1999

Memorandum

TO: Glenn Y. Taguchi, Executive Assistant
Office of the Mayor

FROM: *for* *OK* Galen M. Kuba, Division Chief
Engineering Division

SUBJECT: **PRE-PUBLICATION DRAFT ENVIRONMENTAL ASSESSMENT**
Sale of Easement for Telecommunication Tower
Pepe'ekeo & Makahanaloa, S. Hilo, Hawaii
TMK: 2-8-07: 070 (Portion)

We have reviewed the subject DEA forwarded by your memo dated November 17, 1999 and have the following comments.

1. Building construction shall conform to all requirements of code and statutes of the County of Hawaii.
2. All earthwork and grading shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG

c: Cades Schutte Fleming & Wright
Planning Department

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January 20, 2000

Mr. Galen M. Kuba
Division Chief, Engineering Division
Department of Public Works
County of Hawai'i
Hilo, Hawai'i 96720

Re: Pre-publication Draft Environmental Assessment for USCOC of
Hawaii 3, Inc., Sale of Easement for Telecommunication Tower at
Pepe'ekeo and Makahanaloa, South Hilo, Hawai'i

Dear Mr. Kuba:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. Thank you for your comment letter dated December 15, 1999 in response to the pre-publication draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). We have been asked by the Office of the Mayor to respond to your letter.

United States Cellular's construction of and grading for the Project will comply with all applicable laws of the County of Hawai'i. We trust this information responds sufficiently to your concerns. Please call me if you have any questions or would like more information.

Very truly yours,

Donna Y. L. Leong
for

CADES SCHUTTE FLEMING & WRIGHT

cc: David Briggs (with 12/15/99 comment letter)
Jerry Erickson (with 12/15/99 comment letter)
Glenn Taguchi

IMANHONO:272696.1

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to
File:

December 9, 1999

99-241/epo

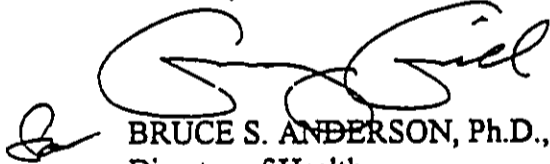
The Honorable Stephen K. Yamashiro
Mayor, County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720-4252

Dear Mayor Yamashiro:

Subject: Pre-Environmental Assessment
Sale of Easement for Telecommunication Tower Site Purposes
Pepe'eko and Makahanaloa
South Hilo, Hawaii
TMK: 2-8-07: por. of 70

Thank you for allowing us to review and comment on the subject project. We do not have any comments to offer at this time.

Sincerely,


BRUCE S. ANDERSON, Ph.D., M.P.H.
Director of Health

c: ~~Cades Schutte Fleming & Wright~~

BENJAMIN J. CAYETANO
GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4188
FACSIMILE (808) 586-4188

January 6, 2000

Steven Yamashiro
Office of the Mayor
25 Aupuni Street #215
Hilo, HI 96720

Attention: Glenn Taguchi

Dear Mr. Yamashiro:

Subject: Draft Environmental Assessment (EA) for US Cellular Telecommunications
Tower, Pepeekeo

In order to reduce bulk and conserve paper, we recommend printing on both sides of the pages in the final document. In addition we have the following comments:

1. Contacts: Notify the nearest neighbors or neighboring landowners of the proposed project, allowing them sufficient time to review the draft EA and submit comments. Document all contacts in the final EA and include copies of any correspondence. Also document contacts made with cultural practitioners in the area, as noted in your December 10th, 1999 response to the Office of Hawaiian Affairs.
2. Funding: According to exhibit A (TMK map) in the draft EA, the County of Hawaii is the owner of the subject parcel, and US Cellular the potential buyer. Disclosure of the use of state or county funds is required by the EIS law. Please include the sale amount in the final EA.
3. Visual impacts:
Section 5, *Scenic Resources*, states that "the presence of at least three other towers on Pu'u Alala will mitigate the Project's visual impact." The addition of the US Cellular facility will in fact add to the visual clutter on this hill. The other towers will do nothing to reduce the obvious presence of it, as implied by your statement. Besides this tower, Big Island Radio has recently applied through the Planning Department to erect a second tower on Pu'u Alala. Show the cumulative visual impacts of the additional towers by superimposing a rendering of the proposed facilities onto photographs taken from public vantage points.

Steven Yamashiro
January 6, 2000
Page 2

4. Capacity:

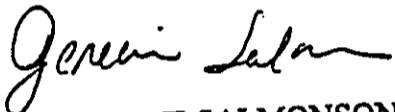
A. What is the capacity of Puu Alala for numbers of towers before RF congestion becomes a limiting factor?

B. US Cellular has agreed to allow colocation of other facilities. What is its agreement regarding limitation of facilities and colocation?

5. Timeframe: What are the anticipated start and end dates of this project?

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

Sincerely,



GENEVIEVE SALMONSON
Director

c: Mark Funaki



CADES SCHUTTE FLEMING & WRIGHT
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April 27, 2000

Ms. Genevieve Salmonson
Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawai'i 96813

Ms. Salmonson:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. The Office of the Mayor of the County of Hawai'i has asked us to respond to your comment letter dated January 6, 2000 submitted in response to the draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project"). This response will address your comments in the order they were presented in your letter.

1. Contacts. In response to your concerns regarding the notification of neighbors nearest to the Project, United States Cellular presented details of the Project to two Pepe'ekeo area community organizations: The Pepe'ekeo Community Association and the Rural South Hilo Community Association. Meeting attendees were given an opportunity to comment and pose questions. Letters to Ms. Toni Bello, President of the Pepe'ekeo Community Association, and Ms. Lorraine Mendoza of the Rural South Hilo Community Association, which summarize concerns expressed and responses given, are included in the final environmental assessment ("FEA"). Additionally, a letter to the Office of Hawaiian Affairs documenting efforts by Dr. Bob Rechtman to consult with local cultural practitioners is also included in the FEA.
2. Funding. The FEA states that, in exchange for the license of the subject parcel, United States Cellular and the County of Hawai'i will negotiate a fee at fair market value that will be used to fund the County's construction of a project within the Pepe'ekeo community.
3. Visual Impacts. In response to your request for a rendering of the cumulative visual impact of the Project and the proposed Big Island Radio tower, the FEA includes two photographs that depicts the visual impact of the Project from two different vantage points. Unfortunately, these photograph renderings include only depictions of the Project because United States Cellular was unable to create a rendering of Big Island Radio's proposed tower.

Ms. Genevieve Salmonson
Office of Environmental Quality Control
April 27, 2000
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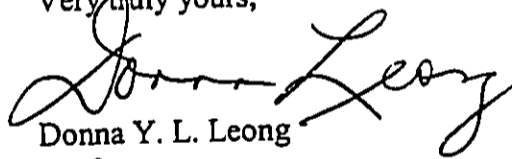
4. Capacity. In response to your comments regarding capacity and Radio Frequency ("RF") congestion, the FEA notes that RF congestion should not be a limiting factor at Pu'u Alalā. The Federal Communications Commission ("FCC") regulates RF congestion by assigning a different section of the RF waveband spectrum to each FCC licensee. The wave band spectrum is wide enough to accommodate hundreds of thousands of FCC licensees. United States Cellular plans to conduct its own intermodulation study to assess the potential for RF congestion at the Project site prior to construction and operation of the Project.

United States Cellular has discussed limitation and colocation of facilities with the County of Hawai'i. United States Cellular has agreed to permit co-location of up to five other communications operators. United States Cellular will not be obligated to co-locate another operator if it impairs or compromises the operation of United States Cellular's or other users' improvements and existing facilities at the Project site.

5. Timeframe: United States Cellular anticipates construction of the Project to commence shortly after all necessary permits and approvals have been obtained.

We trust this information responds to your concerns. Please call me if you have any questions or would like more information

Very truly yours,



Donna Y. L. Leong

for

CADES SCHUTTE FLEMING & WRIGHT

cc: Jerry Erickson
Glenn Taguchi

IMANHONO:295599.1

APPENDIX I

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CADES SCHUTTE FLEMING & WRIGHT

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Kailua-Kona Office

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Charles K. Dyou
Chris S. Mashiba
Sarah J. Lee
Stephen J. Rafferty
Mark A. Funaki
Madeleine M. V. Young
Michael L. Chun
Kristin S. Shigemura
Duane J. Young

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(1921-1988)
William L. Fleming
(1918-1997)

Writer's Direct Dial Number
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Direct Fax
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rvitousek@ca-des.com

April 5, 2000

Toni Bello
President, Pepe'ekeo Community Association
P. O. Box 42
Hilo, Hawaii 97721

Facsimile: 969-1297

Re: USCOC/Permit Application for Towers at Pepe'ekeo
District of South Hilo, Hawai'i

Dear Ms. Bello:

Thank you for the opportunity to meet with the Pepe'ekeo Community Association on February 28, 2000. Liz Gregg of U. S. Cellular and I appreciated the opportunity to participate in the Association's meeting, to present proposed Pu'u 'Alalā cellular tower project, and to get feedback from the community. I believe it was effective to have representatives of Big Island Radio, the Police Department, the Department of Water Supply, Glenn Taguchi of the Mayor's Office, and others interested in the towers on Pu'u 'Alalā to attend your meeting and to participate in the roundtable discussion.

As you recall, in the meeting several members of the community spoke and expressed views with respect to U. S. Cellular's proposed towers and the other towers on Pu'u 'Alalā. There were concerns that towers not interfere with residents' television or telephone services, that steps should be taken to reduce potential the visual impact of the towers, and that efforts should be made to reduce the number of towers by locating more than one cellular provider or radio system on each tower. The residents also expressed support for the cellular telephone system saying that many homeowners in the area did not have the benefit of regular land line telephone service. Support was also expressed for the concept of earmarking rent payments for use in the community.

In the meeting, we advised the residents that if anyone wanted to provide written letters or comments to us that their comments and U. S. Cellular's response would be included in the final environmental assessment even though the formal comment period on the draft environmental assessment was over. I gave my name, address, and phone number so that any comments or concerns could be communicated to us directly. I also said that if anyone had

APPENDIX J

Page 1

Toni Bello
April 5, 2000
Page 2

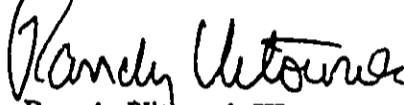
comments or concerns they could express them to the Association and that the Association could forward them to me.

At the end of the Association meeting, Ms. Lorraine Mendoza asked us to attend a meeting of the Rural South Hilo Community Association on March 15, 2000. Mr. Jerry Erickson of U. S. Cellular and I attended this meeting and heard further comments from members of the Rural South Hilo Community Association. Again, the majority of people who made comments supported the improvement of cellular telephone service and the proposed plan to earmark lease rent payments for use in the South Hilo area.

Since the date of the Pepe'ekeo Community Association meeting I have not received any communication from you or from anyone else in the Association with respect to this proposed project. It is our intention to finalize the proposed final environmental assessment and forward it to the Mayor's Office for review and submission to the Office of Environmental Quality Control for publication in the Environmental Reporter.

Thank you again for the opportunity to meet with the Association. As always, if you have questions or require additional information, please contact me at 329-5811.

Very truly yours,



Roy A. Vitbusek III

for

CADES SCHUTTE FLEMING & WRIGHT

RAV:bah

MANHONO:291712.1

APPENDIX J

Page 2

Robert B. Bunn
E. Gunner Schull
Donald E. Scarce
Richard A. Hicks
Roger H. Epstein
Jeffrey S. Pormoy
Bernice Littman
Nicholas C. Dreher
Mark A. Hazlett
Philip J. Leas
David C. Larsen
Larry T. Takumi
William A. Cardwell
C. Michael Hare
Richard R. Clifton
Roy A. Vitousek III
Nelson N.S. Chun
Darryl H. W. Johnston
Vito Galati
Cary S. Matsushige
David Schulmeister

Milton M. Yasunaga
Gino L. Gabro
Colin O. Mirra
Marta E. Hsia
Peter W. Olson
Stewart J. Martin
Rhonda L. Grunwald
Gail M. Tamashiro
Grace Nihon Kido
Dennis Y. L. Leong
David F. E. Banks
Dennis J. Gaughan
Patricia J. McHenry
K. James Steiner, Jr.
Eric N. Roose
Jeffrey D. Watts
James H. Ashford
Michele S. Loudermilk
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Laure A. Kuribayashi
Catherine Carey

CADES SCHUTTE FLEMING & WRIGHT

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rvitousek@ca-des.com

April 5, 2000

Ms. Lorraine Mendoza
Rural South Hilo Community Association
P. O. Box 877
Pepeekeo, Hawaii 96783

Re: USCOC/Permit Application for Towers at Pepe'ekeo
District of South Hilo, Hawai'i

Dear Ms. Mendoza:

Thank you for the opportunity to meet with the Rural South Hilo Community Association on March 15, 2000. Jerry Erickson of U. S. Cellular and I appreciated the opportunity to attend this meeting of the Association, to briefly present the proposed U. S. Cellular tower at Pu'u 'Alala, Pepe'ekeo, and to hear comments and concerns from the members of your Association with respect to the proposed tower. I was personally impressed by the level of commitment to improvement of the community expressed by so many people at this meeting.

As I recall, members of your organization expressed concern as to the potential health risks of radio frequency emissions from the tower. Mr. Erickson explained that operations are carefully regulated by the Federal Communications Commission and that he was not aware of any causal relationship between RF emissions from cellular telephone facilities or cellular telephones themselves and any adverse health impact. Concern was also expressed that measures such as landscaping and color selection be used to reduce the potential visual impacts of the new tower. There were also statements made supporting improved cellular telephone coverage in the area and accord for earmarking lease rent payments for use in the South Hilo community.

I provided the people present at the meeting and you with my address and telephone number and stated that if there were any comments or concerns to please give me a call or send a letter. I have not received any communication from the Association or from any member of the community with respect to the tower since March 15.

It is our plan to go forward with finalizing the environmental assessment and conclude negotiations with respect to the proposed lease. The matter will then go before the County Council for approval.

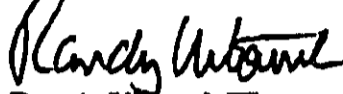
APPENDIX J

Page 3

Ms. Lorraine Mendoza
April 5, 2000
Page 2

As always, if you have questions or require additional information, please contact me at
329-5811.

Very truly yours,



Roy A. Vitousek III

for

CADES SCHUTTE FLEMING & WRIGHT

RAV:bah

APPENDIX J

Page 4

January 14, 2000

Mr. Glen Taguchi
Office of the Mayor
County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720

Dear Mr. Taguchi:

Subject: Draft Environmental Assessment (DEA) for United States Cellular – Sale of County of Hawaii Land by License or Easement for Construction of Telecommunication Tower Site, Pepekeo, South Hilo, Hawaii, TMK 2-8-07: por. 70

The subject DEA came to my attention through the Office of Environmental Quality Control's The Environmental Notice. I have since had an opportunity to review it and provide the following comments for your consideration:

- 1) On page 1 under Major Impacts, the DEA states that "[t]here are no known rare, threatened, or endangered species inhabiting the Project Site." On page 9, paragraph 2, entitled "Fauna," the DEA further states that "[t]he biologist observed no animals on or near the Site during his two visits to the area." Paragraph 3 entitled "Conservation Value" echoes the above findings. In 1980, my family moved to the Kula'imano residential subdivision located at the base of Pu'u 'Alala, along with dozens of other families with roots in the plantation. Because of this, I am able to attest to the fact that the Hawaiian Hawk, or I'o (Buteo solitarius), a rare, endangered, endemic species, is often seen flying over Pu'u 'Alala, and may even nest there given the heavy vegetative cover. My most recent sighting of the I'o occurred during the week of December 19, 1999, when I was home for the holidays. I recall seeing very clearly a pair of I'o flying directly overhead of Pu'u 'Alala, which I believe provides the I'o with an ideal hunting ground for small rodents. As the I'o is not a common species, it is not surprising that the biologist recorded none during his only two visits to the site. Based on my sightings, however, I believe there is a population of I'o which frequents Pu'u 'Alala on a regular basis. The DEA finding that the project will have a minimal effect on existing fauna (p. 11, section XI, paragraph E) is premature. Without a more thorough study of the I'o at the project site, a full disclosure regarding the impact of the project upon the I'o simply cannot be made at this time. The Final EA should include this assessment before any final determination is made regarding a finding of no significant impact (FONSI).
- 2) On page 5, paragraph 5, entitled "Scenic Resources," the DEA states that "...the Project does not represent a significant intrusion into public views." In support of this, the DEA includes photographs of the project site from various distant viewpoints. Absent from these photographs is the view from the Kula'imano

subdivision located directly at the base of Pu'u 'Alala. Many of the homes are located just a few hundred feet away. I believe it is disingenuous to exclude this perspective as these residents are the very individuals who would be closest to the project and be subject to the visual impact of the proposed tower on a daily basis. The impact would not just "... be limited primarily to the few individuals who may visit Pu'u Alala." Simply because there are several towers already on Pu'u 'Alala does not diminish its value as a scenic resource to the residents of Kula'imano; it is a dominant natural feature of the landscape. For these reasons, I believe the Final EA should include a visual impact assessment of the project upon the Kula'imano residential community before any FONSI is issued. Said assessment should include simulated representations of the project in any photograph, in order to provide the public with a clear understanding of the true scale and magnitude of the project relative to the existing towers and to Pu'u 'Alala itself.

Thank you for the opportunity to provide these comments on the subject DEA. I look forward to your response.

Sincerely,



Bert K. Saruwatari
3054 Ala Poha Pl., #2108
Honolulu, Hawaii 96818

cc: OEQC
✓ Mark Funaki, Esq.

APPENDIX K

Page 2

3 March, 2000

John Klavitter
Graduate Student
University of Washington
4009 15th Ave NE #426
Seattle, WA 98105

Randy Vitousek,
Attorney
1000 Bishop St.
Honolulu, HI 96813

Mr. Vitousek,

In my opinion, the U.S. Cellular Project near Pepekeo, HI will have no large-scale, negative impact on the local population or island population of endangered Hawaiian Hawks, nor will it provide any benefits. I reached this opinion on the basis of two years of demographic study of hawks on the island, from four additional years studying endangered birds on the island, and by reviewing the draft Environmental Assessment (EA) for the project. I have not personally made a site visit, but from previous work on the island, from maps, satellite imagery, and from the botanical survey provided by the EA, I feel I am familiar enough with the area to give such an opinion.

The area provides no nesting habitat since there are no large trees (> 45 cm dbh) on the property. Hawks nest from March until September and use large, native, ohia trees most often (88% of the time), but have been observed to nest in koa, lama, kolea, mango, ironwood, eucalyptus, macadamia nut, and coconuts trees (Klavitter et al., 1999). From satellite imagery, the closest potential nesting habitat is 300 m from the site. At this distance, chances of disturbance of a potential nesting pair during tower construction would be minimal. Once completed, the tower will not provide any nesting sites, since this species has never been known to use artificial nest structures. The area includes foraging habitat, but only a small amount (9200 sq. ft). Hawks have been found in densities of 0.002 hawks/hectare foraging in this type of habitat around the Pepekeo area (pers. obs.). Although, I feel that this small conversion of habitat for the project will have no impact, the additive affects of many small and large land conversions to strictly urban in the Pepekeo and surrounding area would negatively affect the local population of birds.

Newton (1979) reported that one-third of all recoveries of dead raptors in England were killed by collisions of birds with vehicles, buildings, and other structures, and studies on the U.S. mainland have shown raptors dying as a result of power lines and antennas. There have been several documented cases of hawks on the island colliding with vehicles, but I'm not aware of any collisions with towers of this nature. This project

APPENDIX K

calls for six nine-foot long antennae and one fifteen-foot long lightning rod to be vertically mounted at the top of the tower. These features could present more of a problem than the 250-foot tall steel lattice structure. They have the potential to cause mortality, more so with juveniles that are less agile when flying, and potentially with seabirds. I doubt a monitoring program to look for carcasses below the structure would be of help in assessing risk, because mongooses and cats would most likely remove the dead birds before they could be found. One type of affective monitoring could include continuously running a video camera and reviewing the tapes for a one-year period (this would not work with most seabirds since they would be flying by at night). A potential way to avoid strikes may be to attach 2-m streamers at 0.3-m intervals to the antennae and lightning rod. This would visually and audibly alert birds to their presence. Although there may be the potential for collisions, I believe they would be minimal and no greater than the probability of a hawk colliding with a vehicle on a roadway.

In summary, there will always be some degree of risk to hawks with land conversion of any type on the island. In this case, I believe the risk is minimal and do not oppose this project.

Sincerely,

John Klavitter

Reference List

- Klavitter, J., J. Marzluff, and M. Vekasy. 1999. *Annual Project Status Report: Demographic studies, population surveys, and nesting habitat of the Hawaiian hawk, ('io, Buteo solitarius)*, U.S. Fish & Wildlife Service, Honolulu, HI.
- Newton, I. 1979. *Population ecology of raptors*. Vermillion, S.D.: Buteo Books.



CADES SCHUTTE FLEMING & WRIGHT

ATTORNEYS AT LAW

Cades Schutte Fleming & Wright Building • 1000 Bishop Street • Suite 1200 • Honolulu, Hawai'i 96813-4216
P.O. Box 939 • Honolulu, Hawai'i 96808-0939 • Tel (808) 521-9200 • Fax (808) 521-9210 • www.cades.com

Donna Y. L. Leong • (808) 521-9232 • Direct Fax (808) 540-5026 • E-mail dleong@cales.com

April 25, 2000

Mr. Bert K. Saruwatari
3054 Ala Poha Pl., #2108
Honolulu, Hawai'i 96818

Mr. Saruwatari:

We represent USCOC of Hawaii 3, Inc., dba United States Cellular. The Office of the Mayor of the County of Hawai'i has asked us to respond to your comment letter dated January 14, 2000 submitted in response to the draft environmental assessment for United States Cellular's proposed telecommunication tower at Pepe'ekeo (the "Project").

In response to your inquiry regarding the impact of the Project on the Hawaiian Hawk population in the area, Mr. John Klavitter -- a graduate student at the University of Washington who has spent five years studying bird populations in Hawai'i with the United States Fish and Wildlife Service and who most recently performed island-wide demographic studies of the Hawaiian Hawk population on the island of Hawai'i in 1998 and 1999 -- was asked to review the Project in the context of your inquiry. Mr. Klavitter concluded that the Project should have "no large-scale negative impact on the local population or island population of Hawaiian Hawks..." and that the area within 300 meters of the Project contains "no nesting habitat since there are no large trees", but that foraging Hawaiian Hawks have been "found in densities of 0.002 hawks/hectare . . . in this type of habitat around the Pepe'ekeo area."

To accommodate your request for a visual depiction of the Project as it would appear from nearby residential subdivisions, a photo of Pu'u 'Alalā taken from the nearby corner of Kaakepa and Lai'imi streets was included in the final environmental assessment at Page 9 of Exhibit D. A copy of that picture -- which includes a digitally imposed depiction of the Project -- is enclosed for your information. The final environmental assessment includes an estimated rendering of the visual impact of the Project from a viewpoint north of the Project at Exhibit H.. We enclose a copy of that viewpoint for your information, also.

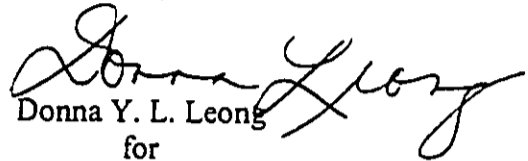
APPENDIX K

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Mr. Bert. K. Saruwatari
April 25, 2000
Page 2

We trust this information responds to your concerns. Please call me if you have any questions or would like more information

Very truly yours,



Donna Y. L. Leong
for

CADES SCHUTTE FLEMING & WRIGHT

Enclosure

cc: Jerry Erickson (w/ enc.)
Glenn Taguchi (w/ enc.)

MANHONO:293734.1

PHILLIP CONLEY
BOTANICAL SURVEYS
P.O. Box 2319
Kamuela, Hi. 96743
Ph. 808-885-4156

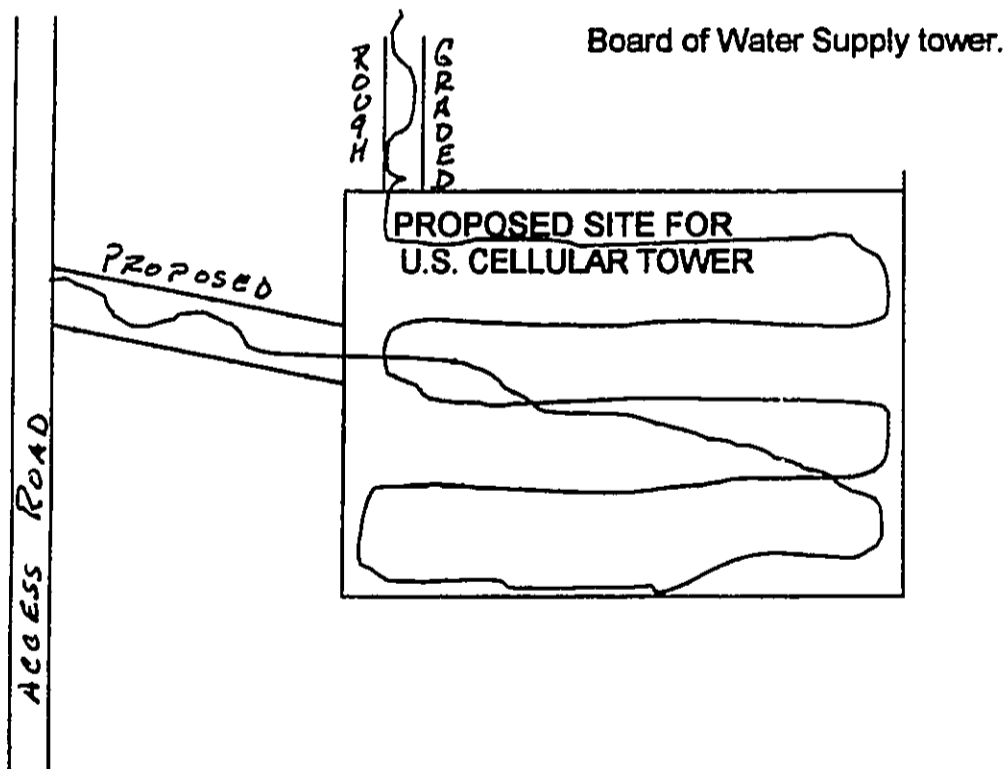
10/18/99

Mr. Roy A. Vitousek III
75-170 Hualalai Rd.
Kailua, Kona, Hi.
96740

Dear Mr. Vitousek:

Here is the Botanical survey you requested for the proposed U.S. Cellular tower at Pepeekeo. The site is located on the south-southeast side of the Board of Water Supply tower. There are other transmitting towers within the same area. The proposed U.S. Cellular site appears to have been rough graded in the not too distant past. The site is connected to the Board of Water Supply tower by a rough roadway. There are no old growth plants within the U.S. Cellular site or the proposed new roadway.

I walked the site as indicated by the drawing. I saw no animals on or near the site during my two visits.

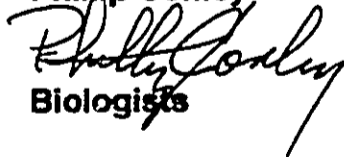


Here is a list of plants I saw on the site and the proposed roadway.

COMMON NAME	SCIENTIFIC NAME
Sugar Cane	Saccharom officinarum
Morning Glory	Ipomoea indica
False staghorn fern	Dicranopteris linearis
Fern	Pityrogramma colomelanos
Silverfern	Deparia prolifera
Common swordfern	Nephrolepis exaltata
Fern	Blechnum occideotare
Scaley swordfern	Nephrolepis hisotula
Bamboo orchid	Arundina bambusaefolia
Strawberry Guava	Psidium cattleianum
Guava	Psidium guajaua
Sensitive plant	Mimosa pudica
Sedge grass	Pycreus polystachyos
Broom sedge	Andropogon viginicus
Bushy beard grass	Andropogon glomeratus
Feathery pennisetum	Pennisetum polystachion
California grass	Branchiaria mutica
Bermuda grass	Cynodon dactylon
Vasey grass	Paspalum urvillei
Cyperus grass	Cyperus hypochlorus
Florida beggar weed	Desmodium tortuosum
Partridge pea	Chamaecrisia nictitans
Agevatum	Ageratum conyzoides
Flora's paintbrush	Emilia fosbergii
Vitex	Vitex ovata
Fiddlewood	Citharexylum spinosum

I saw no threatened or endangered species on this site.

Phillip Conley



Biologists

EXHIBIT L

Page 2

PHRI

Paul H. Rosendahl, Ph.D., Inc.

Archaeological • Historical • Cultural Resource Management Studies & Services
204 Waiannu Avenue • Hilo, Hawaii 96720 • (808) 969-1763 • FAX (808) 961-6998
P.O. Box 23305 • G.M.F., Guam 96921 • (671) 472-3117 • FAX (671) 472-3131

September 19, 1999

Letter Report 2016-091999

Roy A. Vitousek III
Cades, Schutte, Fleming, and Wright
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740
Fax (808) 326-1175

Via fax (original mailed)

Dear Mr. Vitousek:

At your request, on behalf of your client U.S. Cellular, Paul H. Rosendahl, Ph.D., Inc. (PHRI) performed an archaeological survey of a roughly 60 x 60 foot area and 30-foot-wide access roadway corridor above Pepe'e keo, behind Pu'u Alala in Makahanaloa Ahupua'a, North Hilo District, Island of Hawai'i (Figure 1). This area is the location of a proposed U.S. Cellular cell tower site. The study area is at an elevation of about 740 feet (226 meters) within TMK:3-2-8-07:070, a 23.5 acre parcel of county-owned land (Figure 2). The project area is characterized by Hilo silty clay loam [HoC] (Sato et al 1973) and is within a former sugarcane field. Alala Hill presently supports a dense concentration of radio and communication antennae and relays.

There were no Land Commission Awards made in or adjacent to the current project area during the Mahele, although the ahupua'a of Makahanaloa has a substantial history of Historic Period land use. Along the coast is the Pepe'ekeo Mill and much of the cultivatable land was planted in sugarcane. Andrade Camp served as the initial residential area along with the subsequently established Kula'imano Homesteads. During WWII Alala Hill was used first by civilian aviation then by the military as a spotting post for enemy ships and planes (Harold Luscomb, personal communication). Presently, the vicinity is used for the cultivation of ginger and dry field taro among other small-scale commercial crops.

On September 16, 1999, Robert B. Rechtman, Ph.D. and PHRI Archaeologist Bruce Gothar performed a field survey of the project area, the limits of which were shown to them in the field by Mr. Roman Polak and Mr. Jerry Erickson, Network Operations for U.S. Cellular. The project area is currently vegetated with California grass, feral cane, guava, and a variety of introduced weeds. Ground visibility was totally obscured. No archaeological resources were observed within the project area and none have been formally identified in the immediate vicinity. Information from local informants suggests that human skeletal remains were found when the access road to the pu'u was constructed. The location of these remains is said to be in the proximity of the proposed cell tower site (Gilbert DeMotto, personal communication). It is therefore concluded that the construction of the cell tower and access road will not adversely affect any known historic properties, however initial grading and grubbing for the project should be monitored by a qualified archaeologist as a protective measure in the event that human skeletal remains are inadvertently encountered.

Thank you for the opportunity to provide you with these services. Should you have any questions, or would like further information, please feel free to contact me at our Hilo office (808) 969-1763, or by e-mail at phrirbr@interpac.net.

Sincerely,



Bob Rechtman, Ph.D.
Senior Archaeologist
Attachments (2): Figure 1, Figure 2
Enclosure: Invoice

References Cited

Sato, H.H., W. Ikeda, R. Paeth, R. Smythe, and M. Takehiro, Jr.
1973 Soil Survey of Island of Hawai'i, State of Hawai'i. US DoA, Soil Conservation Service.

EXHIBIT M

Page 1

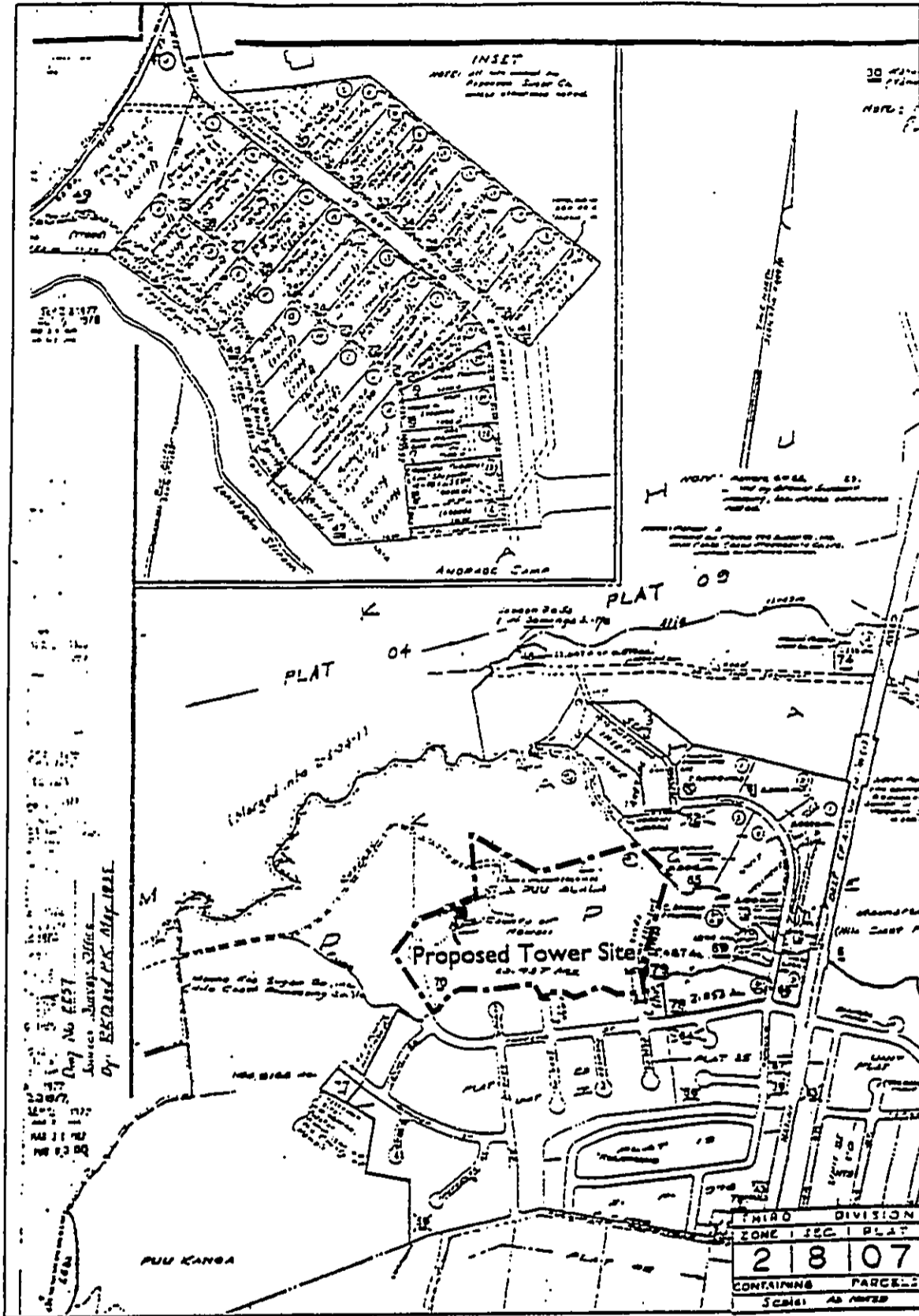


EXHIBIT M
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