

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HONOLULU, HAWAII 96809

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AQUATIC RESOURCES
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HISTORIC PRESERVATION
KAOIOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL
August 22, 2003

Ref. No.: 03MD-075
Author: LD-jk

MEMORANDUM

TO: Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Peter T. Young, Chairperson
Board of Land and Natural Resources

SUBJECT: Finding of No Significant Impact (FONSI) to the Environment for William
Koa Hodgins Access and Utility Easement; Honopou, Makawao, Maui,
Tax Map Key: (2) 2-9-001:Portion of 018

The Department of Land and Natural Resources, Land Division, has reviewed the comments received during the 30-day public review period and the applicant's responses to these comments for the above referenced environmental assessment. Accordingly, we have determined that this project will not have a significant environmental effect and have issued a FONSI determination. Please publish this notice in your next scheduled publication of the Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the final environmental assessment.

If you have any questions, please feel free to contact Jason Koga at (808) 984-8103. Thank you.

Enclosures

cc: Central Files
District Files

SEP 23 2003

FILE COPY

2003-09-23-MA-~~FEA~~

(HODGINS ACCESS EASEMENT)

ACCESS EASEMENT FOR WILLIAM KOA HODGINS
at HAIKU, MAUI, TMK (2) 2-9-01: 18

FINAL ENVIRONMENTAL ASSESSMENT
AUGUST, 2003

PREPARED FOR: THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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- Appendix A Construction plans
- Appendix B Archaeological Inventory Survey
- Appendix C Site Photographs of TMK (2) 2-9-1:18
- Appendix D Cultural Resources Impact Statement

SUMMARY

Applicant: William Koa Hodgins
708 Olinda Road
Makawao Hawaii 96768

Applicant's Agent: Rory Frampton
1581 Piiholo Road
Makawao Hi 96768
Contact No. 289-4956

Accepting Agency: Department of Land & Natural Resources
Land Division, State of Hawaii
54 South High Street, Room 101
Wailuku Hi 96793-2198
Contact: Jason Koga, Maui District Land Agent

Project Location: Haikū, Maui, Hawaii

Tax Map Key: (2) 2-9-1:18

Area: Approximately .10 acre

Owner: State of Hawaii

Proposed Use: Access Easement

**State Land Use
Classification:** Agriculture

**Community Plan
Designation:** Agriculture

**County Zoning
Designation:** Agriculture

Agencies Consulted: U.S. Department of Agriculture-Natural Resources
Conservation Service
State of Hawaii-Department of Health, Department of Land &
Natural Resources
County of Maui-Department of Planning, Department of Public
Works & Environmental Management

I. PROJECT BACKGROUND

The applicant, William Koa Hodgins, owns a parcel of land in Haiku, Maui, identified by TMK (2) 2-9-1:19. See Figure 1, 2 and 3. The subject property is currently landlocked, with no access. Therefore, the applicant is seeking access to the subject property via an easement through public lands. See Figure 3.

Due to the topography of the surrounding environment, the most feasible access alignment lies west of the subject property, off the privately maintained Puniawa Road on State lands. In order to construct the proposed access route, the applicant must traverse two separate parcels of land. The parcels are located to the west of the subject property, and identified by TMK's 2-9-1: 4 & 18.

TMK 2-9-1:18 is owned by the State of Hawaii, and is approximately 5.0 acres in size. In order to complete the access route, the applicant is requesting an access easement approximately 12-foot wide from the State of Hawaii, Department of Land and Natural Resources (DLNR). The easement will traverse an old jeep trail for a distance of approximately 400 lineal feet, encompassing a land area of approximately 0.10 acre. See Appendix A.

TMK 2-9-1:4 is a privately owned property, approximately 26.7 acres in size, owned by the Pierson Family. The applicant is in the process of acquiring a roadway lot from the Piersons for access and utility purposes. The lot, currently being subdivided, will be approximately 12-foot wide, encompassing a total area of approximately 0.371 acres. Refer to Appendix A. In addition to easements across parcels 2-9-1:18 and 2-9-1: 4, the applicant must obtain authorization from the State of Hawaii to utilize an existing non-exclusive easement known as Puniawa Road.

II. PROJECT DESCRIPTION

The applicant proposes to construct a twelve (12) -foot wide driveway, approximately 1,350 lineal feet, connecting to the subject property at the southwest corner of the lot. The proposed driveway will traverse approximately 400 feet of State owned lands. Driveway construction will include grading by a bull-dozer, with an overlay of dry crush run and gravel. Refer to Appendix A. Proposed construction activities are anticipated to last approximately two (2) days. Upon completion of the roadway, maintenance and operation of the roadway will be the responsibility of the Applicant.

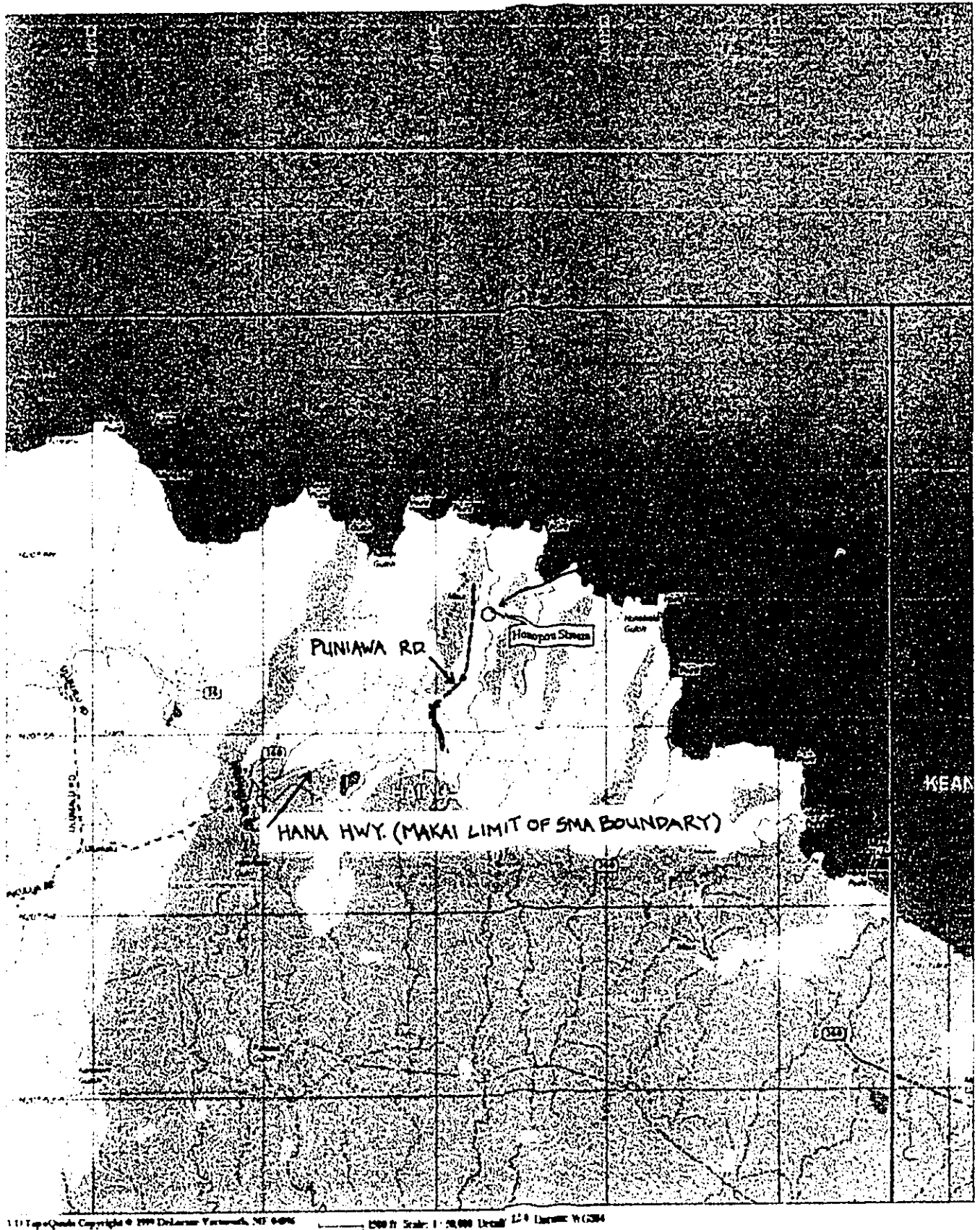


Figure 2
Location of Project Area Relative to Honopou Stream and within Hamakualoa District

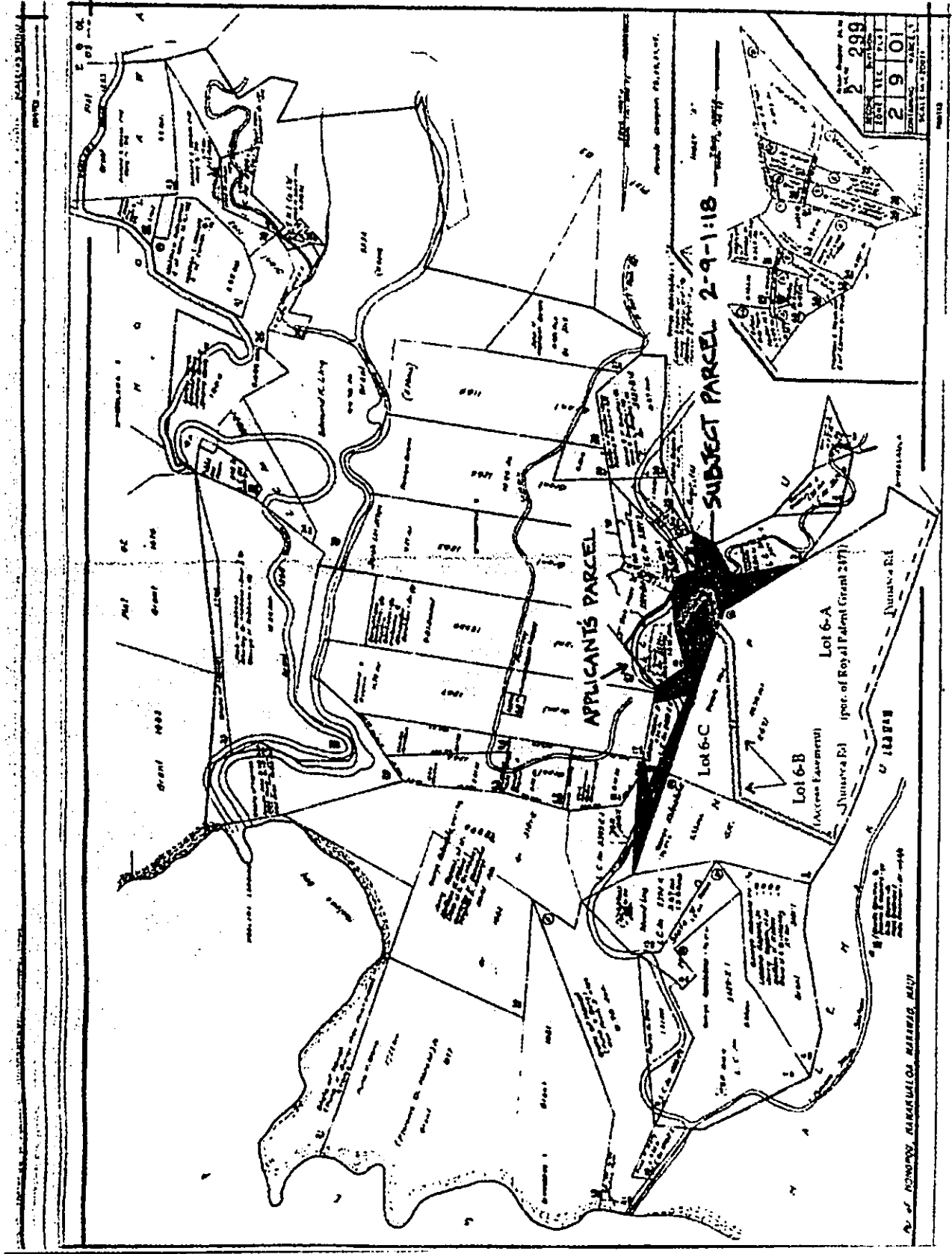


Figure 3 Location of Access Easement Relative to Subject Parcel
(Adapted from Hawaii Tax Map Key Zone 2, Section 9)

III. PERMITS AND APPROVAL REQUIRED

Since the proposed action involves the use of state lands, the applicant has prepared the following Environmental Assessment (EA) in accordance with the guidelines of Chapter 343, Hawaii Revised Statutes relating to Environmental Impact Statements (EIS). The State of Hawaii DLNR- Land Division is acting as the accepting agency.

The subject property is located within the limits of the County of Maui Special Management Area (SMA). Concurrent with processing of the EA, the Applicant will file a SMA Assessment application with the County of Maui Department of Planning in accordance with the guidelines prescribed by Chapter 205 Hawaii Revised Statutes. In addition, the Applicant will acquire a grading permit from the County of Maui for proposed grading activities, as required.

IV. EXISTING ENVIRONMENT & ANTICIPATED IMPACTS

A. Soils

Soils in the vicinity of the project site are of the Pauwela-Haiku Association, noted for deep, gently sloping to moderately steep, well- drained soils that have a fine textured subsoil, common to low lying uplands.

The soils underlying the subject property are of the Rough Broken Land (rRR) classification, which consists of steep land broken by numerous intermittent drainage channels. Soils are variable, ranging between 20-60 inches deep over soft, weathered rock. Runoff is rapid and geologic erosion is active.

Lands underlying TMK 2-9-1:4&18 are of the Pauwela clay, 7-15 percent slope (PfC) classification. These soils are gently sloping to moderately steep and are noted for slow to medium runoff with a slight to moderate erosion hazard.

During construction activities, a system of Best Management Practices (BMPs) will be utilized to ensure the mitigation of potential adverse impacts to existing soil conditions. Such BMPs will include, but are not limited to:

- controlling dust from shoulders, project entrances and access roads;
- adequate application of dust control measures during after hour periods; and
- controlling of dust debris hauled to project site.

Through the use of the BMPs listed above, no adverse impacts to the underlying soils are anticipated as a result of the proposed roadway construction. Further, no negative impacts to agricultural lands are anticipated as a result of the proposed action.

B. Flora and Fauna

Natural vegetation in the vicinity of the project area include guava, lantana, Natal redbud, bermuda grass, koa haole and molassesgrass, kukui and ferns. Terrestrial fauna common to the project area include domestic dogs and cats, mice, rats and mongoose. Avifauna typical of the project area include Spotted Dove, Barred Dove, Japanese white-eye, Cardinal, Red-crested Cardinal, House Sparrow, Gray Francolin, House Finch and Common Mynah. There are no identified rare, threatened or endangered species within the project vicinity. Construction of the proposed roadway is not anticipated to adversely impact flora and fauna in the project vicinity.

C. Streams

East of the project area is the Honopou Stream, identified as a small, continuously flowing stream. According to the the State of Hawaii Commission on Water Resource Management 1990 publication entitled Hawaii Stream Assessment, A Preliminary Appraisal of Hawaii Stream's Resources. (HSA), the Honopou stream has an average yearly flow of approximately 7.94cubic feet per second.

All proposed work will be located well beyond the reaches of the Honopou Stream environment. Nevertheless, appropriate BMPs will be utilized in order to eliminate potential adverse impacts to the Honopou Stream environment.

D. Air Quality and Noise

There are no point sources of air or noise pollution in the vicinity of the project site. Primary air and noise sources in the vicinity of the project area can be attributed to automobile traffic along the Hana Highway.

Construction of the proposed roadway will result in the temporary construction noise and fugitive dust impacts. However, use of BMPs during construction activities will mitigate the potential for adverse impacts. Refer to Chapter IV. A. Given the anticipated duration of construction activities, these impacts are not

considered to be significant. No long term adverse impacts to air quality and ambient noise levels are anticipated.

E Flood and Tsunami Zone

As indicated by the Federal Emergency Management Association (FEMA), the project site is located in flood Zone C, or areas of minimal flooding. The subject property is located well beyond the reaches of dangerous wave action, and is located outside the limits of the County of Maui tsunami evacuation areas.

F Archaeological Resources

A limited archaeological inventory was completed on July 8, 2002. See Appendix B. During the survey, no surface archaeological or cultural materials were encountered. Refer to Appendix B. The results of the study indicate that construction of the proposed roadway will not result in any adverse impacts to archaeological or cultural resources within the project vicinity. Nevertheless, should any significant archaeological materials be encountered during construction activities, all work in the vicinity of the find will be halted and the office of State Historic Preservation will be notified immediately to determine appropriate mitigation measures.

G Infrastructure

Currently, there are no water, wastewater or utility services available to the subject property. No adverse impacts to existing infrastructure components are anticipated as a result of the proposed project.

V ZONING CONSIDERATIONS

The subject property is designated by the State Land Use Commission as "Agricultural". County zoning for the subject property is Agricultural, while the Paia-Haiku Community Plan designates the property for Agricultural use as well. Refer to Planning Department Letter in Chapter X. Construction of the proposed roadway does not present a land use contrary to the objectives of the respective zoning designations.

VI SMA CONSIDERATIONS

As the proposed project is located within the limits of the Special Management Area, the following section addresses the project's relationship with applicable Coastal Zone Management (CZM) objectives, policies and guidelines, as set forth in Chapter 205A, Hawaii Revised Statutes.

- A *Recreational Resources*
The proposed action will not affect coastal zone recreational opportunities, nor will it limit shoreline access. No adverse impacts to recreational resources are anticipated as a result of project implementation.
- B *Historic Resources*
A preliminary survey of the subject property indicated that no surface archaeological or cultural materials are present on the subject property. No adverse impacts to historic resources are anticipated as a result of the proposed project. Nevertheless, in the event that any significant archaeological resources are encountered, SHPD will be contacted in order to determine appropriate mitigation measures.
- C *Scenic and Open Space Resources*
Plans for roadway construction do not involve significant alteration to existing topographical features. Given the nature of the roadway construction parameters, no adverse impacts to scenic and open space resources are anticipated as a result of the proposed roadway implementation.
- D *Coastal Ecosystems*
The project site is located beyond the reaches of the shoreline environment. The project's proximity to shoreline areas as well as the use of appropriate erosion control measures will ensure that coastal waters are not impacted as a result of the proposed roadway construction.
- E *Economic Uses*
No adverse impacts to local economies are anticipated as a result of the proposed roadway construction. Further, the proposed project is not considered coastal dependent.
- F *Coastal Hazards*
The proposed project will not result in increased susceptibility to coastal hazards.
- G *Managing Development*
Early consultation is provided through the process of preparing the Environmental Assessment. Government agency and public review are also afforded during the

review period of the Draft Environmental Assessment. Finally, applicable State and County requirements will be adhered to during design and construction of the proposed project.

H *Public Participation*

As previously noted, opportunities for agency and public review are provided through the processing of the Environmental Assessment, as well as the County development review process.

I *Beach Protection*

The proposed project does not involve construction activities within the vicinity of the shoreline setback area. The proposed project will not have an adverse impact on the beach environment makai (west) of the project area.

J *Marine Resources*

Given the limited scope of work proposed, proximity of the project site to the shoreline environment and the use of appropriate BMPs, adverse impacts on marine and coastal resources makai (west) of the project site are not anticipated.

VII SUMMARY OF ANTICIPATED IMPACTS, MITIGATION MEASURES

Construction of the proposed roadway may result in minimal short-term impacts, however, potential impacts will be mitigated through use of appropriate BMPs (Refer to Chapter IV). The proposed roadway will not involve substantial cut or fill procedures. No long-term adverse impacts to the surrounding environment are anticipated as a result of the proposed project.

VIII ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED

PREFERRED ALTERNATIVE

Additional access routes for the subject property were considered. However topographical and land ownership constraints limited the consideration of alternative access routes. The preferred alternative represents the most feasible alternative available for the Applicant.

NO ACTION ALTERNATIVE Given the Applicant's need for access to the subject property, the no action alternative is not considered a practical alternative.

IX SIGNIFICANCE CRITERIA

The "Significance Criteria", Section 12 of the Administrative Rules, Title 11, Chapter 200, "Environmental Impact Statement Rules are reviewed and analyzed to determine whether the proposed project will have significant impacts to the environment.

A *Irrevocable Commitment to Loss or Destruction of Natural or Cultural Resources*

The project is not anticipated to result in any adverse environmental impacts. There are no known rare, endangered or threatened species of flora, fauna or avifauna located within the vicinity of the project site.

B *Beneficial Uses of the Environment*

The proposed project and the commitment of land resources will not curtail the range of beneficial uses of the environment.

C *Environmental Policies and Guidelines of Chapter 344, HRS*

The proposed action does not present a land use that is contrary to the State's Environmental Policies and Guidelines, as set forth in Chapter 344, HRS.

D *Economic and Social Welfare of the Community or State*

Given the scope and limits of the proposed project, the economic and social welfare of the community and State will not be affected by the proposed project.

E *Public Health*

No impacts to the public health and welfare are anticipated as a result of the proposed project.

F *Secondary Impacts*

The effect of the proposed project on the island's population will be negligible. The proposed project will have no effect on the area's roadways. County water and wastewater systems will not be impacted. Natural drainage patterns will not be significantly altered, and will not result in increases in peak flow rates and runoff volumes. Public services, including police, fire, and medical services will not be impacted, nor will recreational, educational and solid waste services.

G *Environmental Quality*

During construction of the roadway, short-term air quality and noise impacts as a

result of the project. However, these impacts will be mitigated by the proper use of appropriate BMP's. In the long-term, the effects of the one lane roadway on air quality and noise parameters will be negligible.

H *Commitment to Larger Actions, Cumulative Impacts*

The proposed project does not involve a commitment to larger actions.

I *Rare, Threatened or Endangered Species*

There are no identified rare, threatened or endangered species of flora or fauna or their habitats within the vicinity of the proposed project.

J *Air Quality, Water Quality or Ambient Noise Levels*

Construction of the roadway will result in short-term air quality and noise impacts. Dust control measures will be implemented to minimize wind-blown emissions. Noise impacts will be mitigated through the use of noise-muffling devices. Construction activities will be limited to daylight working hours. In the long-term, the project is not anticipated to have a significant impact on air quality or noise parameters.

K *Environmentally Sensitive Areas*

The proposed project will not adversely impact environmentally sensitive areas, including flood zones, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters or coastal waters.

L *Scenic Views*

No above ground features are proposed in connection with the proposed driveway construction. No impacts to scenic views and view planes are anticipated as a result of roadway construction.

M *Energy Consumption*

The proposed roadway construction is not anticipated to require substantial energy consumption.

Based upon the foregoing findings, it is concluded that the proposed action will not result in any significant impacts.

X AGENCY COMMENTS AND APPLICANT RESPONSES SUBSTANTIVE COMMENTS

The following chapter includes comment letters received during the early consultation phase of the EA preparation. Responses to substantive comments are also incorporated.

BENJAMIN J. CAYETANO
GOVERNOR



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

LORRIN W. PANG, M.D., M.P.H.
MAUI DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793

February 21, 2002

Mr. Rory Frampton
44 Kunihi Lane #234
Kahului, Hawai'i 96732

Dear Mr. Frampton:

Subject: **Early Consultation for an Environmental Assessment
TMK: (2) 2-9-1:19**

Thank you for the opportunity to comment on the proposed access easement. We have no comments to offer at this time.

Should you have any questions, please call me at 984-8230.

Sincerely,

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

Herbert S. Matsubayashi
District Environmental Health Program Chief

c: Jason Koga, DLNR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

LAND DIVISION

P.O. BOX 621

HONOLULU, HAWAII 96809
March 7, 2002

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

LD-NAV
ASEMENT29118MA.RCM

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Rory Frampton
44 Kunihi Lane #234
Kahului, Hawaii 96732

Dear Mr. Frampton:

SUBJECT: Pre-consultation for Environmental Assessment
Purpose: Issuance of an Access Easement
Land Owner: State of Hawaii
Authority: Department of Land and Natural Resources
Applicant: William Koa Hodgins (TMK: 2-9-01: 019)
Location: Honopou, Hamakualoa, Makawao, Maui, Hawaii
TMK: 2nd/ 2-9-001: 018

Thank you for your letter dated February 13, 2002, covering the subject matter.

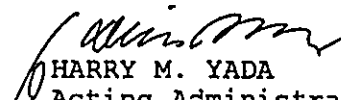
A copy of your letter along with exhibits were transmitted to the following Department of Land and Natural Resources' (DLNR) Divisions for their review and comment:

- Division of Aquatic Resources
- Division of Forestry and Wildlife
- Division of Boating and Ocean Recreation
- Historic Preservation Division
- Commission on Water Resource Management
- Land Division Engineering Branch
- Land Division Planning and Technical Services
- Land Division Maui District Land Office (RD)

Attached herewith is a copy of the DLNR Land Division Engineering Branch and Maui District Land Office comment.

The Department of Land and Natural Resources has no other comment to offer at this time. Should you have any questions, please contact Nicholas A. Vaccaro of the Land Division Support Services Branch at (808) 587-0438.

Very truly yours,


HARRY M. YADA
Acting Administrator

C: Maui District Land Office

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

02-044/cpo

March 12, 2002

Mr. Rory Frampton
44 Kunihi Lane, # 234
Kahalui, Hawaii 96732

Dear Mr. Frampton:

Subject: Pre-Consultation for an Environmental Assessment (PEA)
Proposed Access Easement for Mr. William Koa Hodgins, Haiku, Maui
Tax Map Key: 2-9-1: 19

Thank you for the opportunity to review and comment on the subject proposal. The PEA was routed to the various branches of the Environmental Health Administration. We have the following comments.

Clean Air Branch (CAB)

Control of Fugitive Dust:

Due to the nature and location of the project, there is a significant potential for fugitive dust emissions during the removal, transport, and installation activities for this project. The project site will be at times within close proximity to neighboring residential establishments and major thoroughfares. Therefore, implementation of adequate dust control measures during all phases of this project is warranted. Construction activities must comply with provisions of Chapter §11-60.1, Hawaii Administrative Rules, section §11-60.1-33 on Fugitive Dust. The contractor should provide adequate means to control dust from road areas and during the various phases of construction activities, including but not limited to:

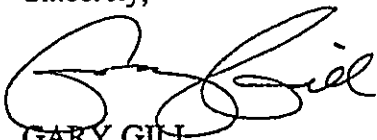
- a. Planning the different phases of construction, focusing on minimizing the amount of dust generating materials and activities, centralizing material transfer points and onsite vehicular traffic routes, and locating potentially dusty equipment in areas of the least impact;
- b. Providing an adequate water source at site prior to startup of construction activities;

Mr. Rory Frampton
March 12, 2002
Page 2

- c. Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d. Controlling of dust from shoulders, project entrances, and access roads;
- e. Providing adequate dust control measures during weekends, after hours, and prior to daily startup of construction activities; and
- f. Controlling of dust from debris being hauled away from project site.

If there are any questions, please contact the Clean Air Branch at (808) 586-4200.

Sincerely,



GARY GILL
Deputy Director
Environmental Health Administration

c: CAB

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

March 7, 2003

Director
State of Hawaii
Department of Health
PO BOX 3378
Honolulu Hi, 96801

Subject: Proposed Access Easement for TMK (2) 2-9-1:19
02-044/epo

Dear Mr. Director:

Thank you very much for your letter dated March 12, 2002 regarding the subject project. In response to the comments provided, I would like to note the following.

1. Control of fugitive dust will be maintained utilizing proper Best Management Practices (BMPs) including, but not limited to:
 - controlling dust from shoulders, project entrances and access roads;
 - adequate application of dust control measures during after hour periods; and
 - controlling of dust debris hauled from project site.

Should you have any questions or require additional information, please do not hesitate to call me at 579-6284 or 280-2685. Thank you for your time and concern in this important matter.

Sincerely,


William Koa Hodgins

Cc: Rory Frampton



Our People...Our Islands...In Harmony
210 Ima Kala Street, Suite #209, Wailuku, HI 96793-2100

Date: March 14, 2002

Mr. Rory Frampton
44 Kunihi Lane #234
Kahului, Hawaii 96732

Dear Mr. Frampton,

SUBJECT: EA Consultation; Proposed Access Easement for TMK: 2-9-001: 019

The topographic map shown in figure 2 do not have a scale, thus, slope cannot be defined. Depending upon slope, construction of access road is very critical. The road should be designed by a licensed engineer and proper materials and equipment utilized in its construction. Operation and maintenance of the road is also critical.

Sincerely,

Neal S. Fujiwara
District Conservationist

c. Mr. Jason Koga, DLNR

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

March 7, 2003

Neal Fujiwara, District Conservationist
210 Imi Kala, Suite # 209
Wailuku Hi 96793 -2100

Subject: Proposed Access Easement for TMK (2) 2-9-1:19

Dear Mr. Fujiwara:

Thank you very much for your letter dated March 14, 2002 regarding the subject project. In response to the comments provided, I would like to note the following. The Draft Environmental Assessment (EA) will include a topographic map of the project area, drawn to scale. In addition, design of the roadway will be in accordance with applicable County requirements, including the County's Grading Ordinance, and will be performed by a licensed engineer. Finally, I understand that future maintenance of the roadway is critical and will be my responsibility.

Should you have any questions or require additional information, please do not hesitate to call me at 573-1587. Thank you for your time and attention in this matter.

Sincerely,

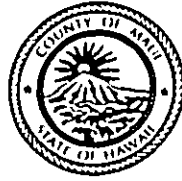

William Koa Hodgins

JAMES "KIMO" APANA
Mayor

DAVID C. GOODE
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

March 19, 2002

Mr. Rory Frampton
44 Kunihi Lane, #234
Kahului, Maui, Hawaii 96732

Dear Mr. Frampton:

**SUBJECT: EARLY CONSULTATION FOR AN ENVIRONMENTAL
ASSESSMENT
WILLIAM HODGINS - ACCESS EASEMENT
TMK: (2) 2-9-001:019**

We have reviewed the subject application and have the following comments:

1. The applicant should be advised that "Puniawa Road" is likely a private roadway and is not owned and/or maintained by the County of Maui.
2. A map showing the entire access route from the subject property to a State Department of Transportation Highway or County Highways road should be included in the Environmental Assessment.
3. The proposed access easement shall be privately owned and maintained, as well as subdivided per the provisions of the subdivision ordinance.
4. Submit written evidence from parcel owners that easements are approved.

Quality Seamless Service – Now and for the Future

Mr. Rory Frampton
March 19, 2002
Page 2

If you have any questions regarding this letter, please call Milton Arakawa at 270-7845.

Sincerely,


DAVID GOODE
Director

DG:MA:jso

xc: Jason Koga, Department of Land and Natural Resources, Land Division
S:\LUCA\ZM\William Hodgins.wpd

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

March 7, 2003

Gil Coloma-Agaran, Director
Department of Public Work and Waste Management
County of Maui
200 South High Street
Wailuku Hi 96793

Subject: Proposed Access Easement for TMK (2) 2-9-1:19

Dear Mr. Coloma-Agaran:

Thank you very much for your letter dated March 19, 2002 regarding the subject project. In response to the comments provided, I would like to note the following.

1. Puniawa Road is owned by the State of Hawaii. An application to acquire an access easement over Puniawa Road from the State of Hawaii is being prepared, and will be processed through the Maui Office of the DLNR.
2. A map identifying the proposed access route in relation to State Highways and County Roadways will be included in the Environmental Assessment.(EA).
3. The proposed access easement across parcel (2) 2-9-001:4 will be privately owned and maintained. Further, the land designated for roadway on parcel (2) 2-9-001:4 is currently in the process of being subdivided.
4. Attached you will find documentation confirming legal access over parcel TMK (2) 2-9-001:004.

Should you have any questions or require additional information, please do not hesitate to call me at 573-1587. Thank you for your time and attention in this matter

Sincerely,

William Koa Hodgins
William Koa Hodgins

ISAAC HALL #2238
2087 Wells Street
Wailuku, Maui, Hawaii 96793
Telephone: (808) 244-9017

Attorney for Plaintiff
William Koa Hodgins

FILED

2001 SEP 27 AM 11:14

C. CASH, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

| | | |
|-------------------------------|---|----------------------------------|
| WILLIAM KOA HODGINS, |) | CIVIL NO. 99-0327(2) |
| |) | (Declaratory Relief) |
| Plaintiff, |) | |
| v. |) | PLAINTIFF'S SUPPLEMENTAL |
| |) | SETTLEMENT CONFERENCE |
| ROY S. PIERSON, ELIZABETH W. |) | STATEMENT; CERTIFICATE OF |
| PIERSON, THE STATE OF HAWAII, |) | SERVICE |
| EAST MAUI IRRIGATION |) | |
| COMPANY, a Hawaii Corporation |) | Settlement Conference Hearing |
| and JOHN DOES 1 -10, |) | Date: October 5, 2001 |
| |) | Time: 11:00 a.m. |
| Defendants. |) | Judge: Hon. Shackley F. Raffetto |

hodg/supsetcon

PLAINTIFF'S SUPPLEMENTAL SETTLEMENT CONFERENCE STATEMENT

Plaintiff William Koa Hodgins ("Plaintiff"), through counsel, hereby files this Supplemental Settlement Conference Statement, pursuant to Rule 12.1(b)(2) of the Rules of the Circuit Courts of the State of Hawaii.

Plaintiff hereby realleges and incorporates by reference §§ I. through XI. of his original Settlement Conference Statement and supplements that Statement as follows:

A. Plaintiff William Koa Hodgins and Defendants Roy S. Pierson and Elizabeth W. Pierson have entered into and executed a Settlement Agreement by which a roadway lot is to be subdivided through the Pierson property. Plaintiff's claims have been dismissed without prejudice against

the Pierson Defendants. When and if the County of Maui approves the roadway lot subdivision with improvements having to do only with the roadway lot and not having to do with the remnant or mauka lots belonging to the Piersons, the case will be dismissed with prejudice as to the Piersons.

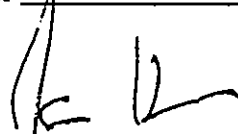
B. It is not anticipated that there will be any difficulties encountered in obtaining easements across the remaining properties necessary to secure access between the kuleanas and the nearest government road, namely over and across properties owned by the State of Hawaii and the East Maui Irrigation Co. ("EMI").

C. The case may also be dismissed with respect to the Defendants who were added within the Lafayette Young Subdivision, EMI and the State of Hawaii.

D. Upon dismissal of the case with prejudice against the Piersons, the case may be dismissed against the remaining Defendants.

E. The trial in the case should be continued one more time until preliminary subdivision approval can be obtained from the County of Maui, at which time it is anticipated that the case will be able to be dismissed with prejudice as to all parties.

DATED: Wailuku, Maui, Hawaii

9.27.04

Isaac Hall
Attorney for Plaintiff
William Koa Hodgins



RECEIVED
LAND DIVISION

72 25 11:19

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES 53
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

February 22, 2002

LD/NAV
Ref.: EASEMENT29118MA.COM

LOG992
Suspense Date: 3/6/02

MEMORANDUM:

From
TO:

- XXX Division of Aquatic Resources
- XXX Division of Forestry & Wildlife
- XXX Division of State Parks
- XXX Division of Boating and Ocean Recreation
- XXX Historic Preservation Division
- XXX Commission on Water Resource Management
- Land Division Branches of:
 - XXX Planning and Technical Services
 - XXX Engineering Branch
 - 000 Maui District Land Office (RD)

10
FROM:

Harry M. Yada, Acting Administrator
Land Division

SUBJECT: Pre-consultation for Environmental Assessment Covering
Proposed Access Easement

Land Owner: State of Hawaii
 Purpose: Issuance of an Access Easement
 Applicant: William Koa Hodgins (TMK: 2-9-1: 19)
 Consultant: Rory Frampton
 Authority: Department of Land and Natural Resources
 Location: Honopou, Hamakualoa, Makawao, Maui, Hawaii
 TMK: 2nd/ 2-9-01: 018

Please review the attached Pre-Consultation letter (project summary) and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0438.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Signed: *W. For family*

Date: *2/24/02*

762



FEB 22 4 30 PM '02

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

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

February 22, 2002

LOG992

Suspense Date: 3/6/02

- TO: ADMINISTRATOR
- ASST. ADM. ASST.
- DEV BR
- PLAN BR
- RES MGT BR
- CLERICAL
- ADMIN ASST
- INTERP BR

- FUR: CIRC/POST/STAFF BME
- COMMENTS & REC
- DRAFT REPLY
- FILE
- FOLLOW UP
- INFO
- RUN COPIES
- RUSH DEL/D/NAV
- SEE ME
- FAX/SEND COPY TO

MEMORANDUM:

TO: XXX Division of Aquatic Resources
 From: XXX Division of Forestry & Wildlife
 XXX Division of State Parks
 XXX Division of Boating and Ocean Recreation
 XXX Historic Preservation Division
 XXX Commission on Water Resource Management
 Land Division Branches of:
 XXX Planning and Technical Services
 XXX Engineering Branch
 000 Maui District Land Office (RD)

RECEIVED
LAND DIVISION
MAR 4 11:16 AM '02

2002 MAR -4 A 11:16

To: Harry M. Yada, Acting Administrator
 FROM: Land Division

SUBJECT: Pre-consultation for Environmental Assessment Covering
 Proposed Access Easement
 Land Owner: State of Hawaii
 Purpose: Issuance of an Access Easement
 Applicant: William Koa Hodgins (TMK: 2-9-1: 19)
 Consultant: Rory Frampton
 Authority: Department of Land and Natural Resources
 Location: Honopou, Hamakualoa, Makawao, Maui, Hawaii
 TMK: 2nd/ 2-9-01: 018

Please review the attached Pre-Consultation letter (project summary) and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0438.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments. Comments attached.
 Signed: *[Signature]*
 Date: 2/26/02



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

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND
 RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

February 22, 2002

LD/NAV
 Ref.: EASEMENT29118MA.COM

LOG992
 Suspense Date: 3/6/02

MEMORANDUM:

From

TO: XXX Division of Aquatic Resources
 XXX Division of Forestry & Wildlife
 XXX Division of State Parks
 XXX Division of Boating and Ocean Recreation
 XXX Historic Preservation Division
 XXX Commission on Water Resource Management
 Land Division Branches of:
 XXX Planning and Technical Services
 XXX Engineering Branch
 000 Maui District Land Office (RD)

FROM: *TO* Harry M. Yada, Acting Administrator
 Land Division

SUBJECT: Pre-consultation for Environmental Assessment Covering
 Proposed Access Easement
 Land Owner: State of Hawaii
 Purpose: Issuance of an Access Easement
 Applicant: William Koa Hodgins (TMK: 2-9-1: 19)
 Consultant: Rory Frampton
 Authority: Department of Land and Natural Resources
 Location: Honopou, Hamakualoa, Makawao, Maui, Hawaii
 TMK: 2nd/ 2-9-01: 018

Please review the attached Pre-Consultation letter (project summary) and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0438.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Signed: *Paul J. Conroy*
 Date: *DOFAW Administrator*
2/25/02



RECEIVED
LAND DIVISION

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

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

February 22, 2002

LD/NAV
Ref.: EASEMENT29118MA.COM

LOG992
Suspense Date: 3/6/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources
 XXX Division of Forestry & Wildlife
 XXX Division of State Parks
 XXX Division of Boating and Ocean Recreation
 XXX Historic Preservation Division
 XXX Commission on Water Resource Management
 Land Division Branches of:
 XXX Planning and Technical Services
 XXX Engineering Branch
 000 Maui District Land Office (RD)

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 Land Division

SUBJECT: Pre-consultation for Environmental Assessment Covering
 Proposed Access Easement
 Land Owner: State of Hawaii
 Purpose: Issuance of an Access Easement
 Applicant: William Koa Hodgins (TMK: 2-9-1: 19)
 Consultant: Rory Frampton
 Authority: Department of Land and Natural Resources
 Location: Honopou, Hamakualoa, Makawao, Maui, Hawaii
 TMK: 2nd/ 2-9-01: 018

Please review the attached Pre-Consultation letter (project summary) and submit your comments (if any) on Division letterhead signed and dated within the time requested above. Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0438.

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

() We have no comments.

(X) Comments attached.

Signed: *Lin T. Johnson*
 Date: FEB 27 2002

ANDREW M. MONDEN, CHIEF ENGINEER

DLNR-LAND DIVISON
ENGINEERING BRANCH

COMMENTS

LD/NAV
Ref.: EASEMENT 29118MA.COM

COMMENTS

For your information the project site, according to FEMA Community Panel 15003 0255 B (dated April 3, 1992), is located in Zone C. This is an area of minimal flooding.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

54 South High Street, Room 101
Wailuku, Hawaii 96793-2198

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

February 26, 2002

Author: LD\lhw

Mr. Rory Frampton
44 Kunihi Lane #234
Kahului, Hawaii 96732

Dear Mr. Frampton:

SUBJECT: Early Consultation for Environmental Assessment for Proposed
Access Easement Over TMK: (2) 2-9-001: 018, Honopou, Maui

The Maui District Land Office of the Department of Land and Natural Resources' Land Division, has the following comments on the proposed access easement over State lands identified above, to the benefit of tax map key (2) 2-9-001: 019:

1. The applicant must provide the State with proper documentation confirming legal access over parcel 004, owned by the Pierson Family;
2. If applicant is claiming his land to be a "kuleana parcel", copies of original Land Commission Award and Grant should be provided our office in order to expedite DLNR's Abstractor to confirm kuleana status; and
3. The applicant must also acquire an access easement from the State over the existing "Puniawa Road". This will be a separate application and disposition and will not require an Environmental Assessment.

Thank you for allowing us to comment on the proposed access easement. You may contact Louis Wada at 984-8105 should you have any questions.

Very truly yours,

Jason K. Koga
Maui District Land Agent

c: Maui Land Board Member
N. Vaccaro
District Files

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

March 7, 2003

Jason Koga, Maui District Land Agent
Department of Land & Natural Resources
Land Division
State of Hawaii
54 South High Street, Room 101
Wailuku Hi 96793-2198


Subject: Proposed Access Easement for TMK (2) 2-9-1:19

Dear Mr. Koga:

Thank you very much for your letter dated February 26, 2002 regarding the subject project. In response to the comments provided, I would like to note the following:

1. Appropriate documentation confirming legal access over parcel TMK (2) 2-9-001:004 will be provided to your office.
2. A copy of the Land Commission and Grant will be provided to your office.
3. An application to acquire an access easement over Puniawa Road from the State of Hawaii is being prepared, and will be processed through your office. This action will not require an Environmental Assessment.

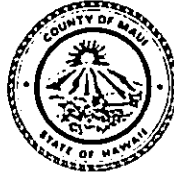
Should you have any questions or require additional information, please do not hesitate to call me at 573-1587. Thank you for your time and attention in this matter.

Sincerely,

William Koa Hodgins

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 27, 2002

Mr. Rory Frampton
44 Kunihi Lane, #234
Kahului, Hawaii 96732

Dear Mr. Frampton:

RE: Early Consultation for an Environmental Assessment for a Proposed Access Easement Over State Owned Land for Maui Tax Map Key No: 2-9-001:019, Portion of Honopou, Hamakualoa, Makawao, Island of Maui, Hawaii (LTR 2002/1009)

The Maui Planning Department has reviewed the above-referenced information, and has the following comments to offer:

1. The subject properties are designated "Agricultural" by the State Land Use Commission; identified as "Agricultural" on the Paia-Haiku Community Plan Map; and zoned "Agricultural" pursuant to the passage of Ordinance No. 2749, A Bill for an Ordinance Establishing an Agricultural District in Title 19 of the Maui County Code, effective December 31, 1998.
2. The subject properties are located within the Special Management Area as designated by the Maui Planning Commission, and is subject to the Special Management Area Rules of the Maui Planning Commission.
3. A map showing the properties in relation to the Special Management Area should be provided in Environmental Assessment.

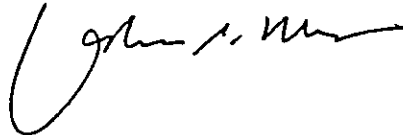
Thank you for the opportunity to comment. Should you have any questions, please contact Ms. Robyn L. Loudermilk, Staff Planner, of this office at 270-7735.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Quality Seamless Service - Now and for the Future

Mr. Rory Frampton
February 27, 2002
Page 2

Very truly yours,



JOHN E. MIN
Planning Director

JEM:RLL:smb

c: Clayton I. Yoshida, AICP, Deputy Planning Director
Aaron Shinmoto, Planning Program Administrator (2)
Jason Koga, District Land Agent, DLNR-Maui Office
LUCA (2)
Robyn L. Loudermilk, Staff Planner
General File
K:\WP_DOCS\PLANNING\LETTERS\tr 2002\20021009\reply.wpd

William Koa Hodgins
708 Olinda Road
Makawao HI 96768

March 7, 2003

Mike Foley, Director
250 South High Street
Wailuku HI 96793
Attn: Robyn Loudermilk, Staff Planner

Subject: Proposed Access Easement for TMK (2) 2-9-1:19
(Letter 2002/1009)

Dear Mr. Foley:

Thank you very much for your letter dated February 27, 2002 regarding the subject project. In response to the comments provided, I would like to note the following:

1. Thank you for verifying the zoning designations of the subject property.
2. As indicated in your letter, the subject property is located within the limits of the Special Management Area (SMA), and is subject to the SMA Rules of the Maui Planning Commission. Further, the Environmental Assessment (EA) will review the proposed project relative to the guidelines and objectives of Chapter 205 A of the Hawaii Revised Statutes.
3. The EA will include a map depicting the proximity of the Special Management Area boundary and the subject property.

Should you have any questions or require additional information, please do not hesitate to call me at 573-1587. Thank you for your time and attention in this matter.

Sincerely,

William Koa Hodgins

XI AGENCY COMMENTS RECEIVED DURING THE DRAFT ENVIRONMENTAL REVIEW PERIOD AND APPLICANT RESPONSES TO SUBSTANTIVE COMMENTS

The following chapter includes comment letters received during the early consultation phase of the EA preparation. Responses to substantive comments are also incorporated.

Our People...Our Islands...In Harmony
210 Ima Kala Street, Suite #209, Wailuku, HI 96793-2100

Date: March 17, 2003

Mr. William Koa Hodgins
708 Olinda Road
Makawao, Hawaii 96768

Dear Mr. Hodgins,

Appendix A do not show alignment of access road across state land. The contour lines on the map do not show up well within the Pierson's property. I am estimating approximately 7 percent slopes on the alignment of road on the Pierson's parcel and 39% slopes on the state's parcel.

Although dust may be a problem, I would suggest that runoff, erosion and sedimentation may be more of a problem off the proposed road. Best management practices need to account for these problems.

If the total road alignment can be retrofit on topographic lines and best management practices can be recommended to prevent or control erosion and sedimentation affecting adjacent parcels and stream, an engineering design on the road may not be necessary. The alignment on steep state land is extremely critical.

Call me if you have any questions.

Sincerely,


Neal S. Fujiwara
District Conservationist

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

August 6, 2003

Neal Fujiwara, District Conservationist
210 Imi Kala Road, #209
Wailuku Hi 96793-2100

Subject: Proposed Access Easement for TMK (2) 2-9-1:19

Dear Mr. Fujiwara:

Thank you very much for your letter dated March 17, 2003 regarding the subject project. In response to the comments provided, I would like to note the following. The topography of the Pierson's property slopes gently in a west to east direction, at approximately seven-percent. Along the proposed access easement, a roadway will be constructed at an average grade of approximately twenty-percent. It should be noted that the route through the State property was chosen to follow topographic lines as much as possible in order to lessen the slope. This in turns reduces the potential for negative impacts from runoff, erosion and sedimentation.

As indicated in the text of the Environmental Assessment, best management practices (BMPs) will be utilized during construction to minimize the potential for erosion and sedimentation. Further, the road will be constructed in accordance with applicable County requirements, including the County's Grading Ordinance, and will de designed to minimize erosion and sedimentation.

Should you have any questions or require additional information, please do not hesitate to contact me at 573-1587. Thank you for your time and attention in this project.

Sincerely,


William Koa Hodgins

LINDA LINGLE
GOVERNOR OF HAWAII



DEPARTMENT OF
DIVISION OF
LAND MANAGEMENT
GENEVIEVE SALMONSON
DIRECTOR
2003 APR -9 PM 2:07

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETAMA STREET
STATE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4183
Facsimile (808) 586-4186
Email: neqc@hawaii.gov

April 8, 2003

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

Attention: Jason Koga

Dear Mr. Young:

Subject: Draft Environmental Assessment (EA) for Access Easement, Hodgins Property
Haiku, Maui

In order to reduce bulk and save on paper, please consider printing on both sides of the pages in the final EA. In addition, please include the following:

Special Management Area: Enclose a map showing the SMA boundary in relation to the subject parcel or indicate SMA boundaries on one the maps already included in the EA.

Time frame: What are the anticipated start and end dates of this project?


State Historic Preservation Office: In the final EA include documentation showing concurrence on lack of significant effect from this Office.

Cultural impacts assessment:

Act 50 was passed by the Legislature in April of 2000. This mandates an assessment of impacts to local cultural practices by the proposed project. In the final EA include such an assessment. For assistance in the preparation refer to our *Guidelines for Assessing Cultural Impacts*. Go to our homepage at <http://www.state.hi.us/health/oeqc/guidance/index.html> or you may contact our office for a paper copy. You will also find the text of Act 50 linked to this section of our homepage.

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

Sincerely,


GENEVIEVE SALMONSON
Director

SEP 27 '02 7:00 No.002 P.01

ID:8085864186

DEQC

William Koa Hodgins
708 Olinda Road
Makawao Hi 96768

August 6, 2003

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

Subject: Proposed Access Easement for TMK (2) 2-9-1:19

Dear Mrs. Salmonson:

Thank you very much for your letter dated April 8, 2003 regarding the subject project. In response to the comments provided, I would like to note the following.

Special Management Area:

Please refer to Figure 2 of the Environmental Assessment, which includes reference to the limits of the SMA boundaries.

Time Frame:

The project will be initiated upon completion of all necessary permits (approximately three((3)) months) and is anticipated to last two (2) days.

SHPD Documentation:

Please refer to SHPD's letter dated June 16, 2003 (attached).

Cultural Impact Assessment:

Please refer to Appendix D of this document.

Should you have any questions or require additional information, please do not hesitate to contact me at 573-1587. Thank you for your time and attention in this project.

Sincerely,



William Koa Hodgins

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 16, 2003

Patti Conte, M.A.
CRM Solutions Hawai'i, Inc.
P.O. Box 1866
Makawao, Hawai'i 96768

LOG NO: 2003.0854
DOC NO: 0306MK07

Dear Ms. Conte,

SUBJECT: Historic Preservation Review 6E-42 - Archaeological Inventory Survey Designated Access Easement through Huelo Hui Partition prepared for Mr. William K. Hodgins Honopou Ahupua'a, Makawao District, Maui TMK (2) 2-9-01:4, 18, and 19

Thank you for the opportunity to review this report which our staff received on May 8, 2003 (Conte. 2003. *Limited Archaeological Inventory Survey of a Designated Access Easement Through the Huelo Hui Partition, Honopou Ahupua'a, Hamakualoa District, Maui, Hawai'i TMK [2] 2-9-01: 4, 18, and 19.* CRM Solutions ms).

The background section acceptably establishes the *ahupua'a* settlement pattern and predicts the likely site pattern in the project area. The historical information provided summarizes the history of the post-contact period land uses.

The survey has adequately covered the project area documenting no historic properties within the corridor easement. We concur that no further work is warranted within the easement providing access to parcel 19, across parcels 4 and 18. We also agree that SHPD needs to review plans for any additional work proposed in the future for any of these parcels, TMKs 2-9-01: 4, 18, or 19.

We find this report to be acceptable; please ensure that copy of the final report is transmitted to our Kapolei office as well. All SHPD recommendations regarding the corridor are clear, and all requirements have been fulfilled. The remainder of these lots will be reviewed for future development. Construction of the roadway easement may commence without having any negative impact on historic properties. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall (Maui/Lana'i SHPD 243-5169) as soon as possible to resolve these concerns.

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division

MK:jen

c: Michael Foley, Director, Department of Planning, County of Maui, FAX 270-7634
Bert Rette, County of Maui, Land Use and Codes, FAX 270-7972
Glen Ueno, County of Maui, Land Use and Codes, FAX 270-7972
Cultural Resources Commission, Planning Dept, 250 S. High Street, Walluku, HI 96793

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAH DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 16, 2003

Patti Conte, M.A.
CRM Solutions Hawai'i, Inc.
P.O. Box 1866
Makawao, Hawai'i 96768

LOG NO: 2003.0854
DOC NO: 0306MK07

Dear Ms. Conte,

SUBJECT: Historic Preservation Review 6E-42 - Archaeological Inventory Survey Designated Access Easement through Huelo Hui Partition prepared for Mr. William K. Hodgins Honopou Ahupua'a, Makawao District, Maui TMK (2) 2-9-01:4, 18, and 19

Thank you for the opportunity to review this report which our staff received on May 8, 2003 (Conte. 2003. *Limited Archaeological Inventory Survey of a Designated Access Easement Through the Huelo Hui Partition, Honopou Ahupua'a, Hamakualoa District, Maui, Hawai'i TMK [2] 2-9-01: 4, 18, and 19.* CRM Solutions ms).

The background section acceptably establishes the *ahupua'a* settlement pattern and predicts the likely site pattern in the project area. The historical information provided summarizes the history of the post-contact period land uses.

The survey has adequately covered the project area documenting no historic properties within the corridor easement. We concur that no further work is warranted within the easement providing access to parcel 19, across parcels 4 and 18. We also agree that SHPD needs to review plans for any additional work proposed in the future for any of these parcels, TMKs 2-9-01: 4, 18, or 19.

We find this report to be acceptable; please ensure that copy of the final report is transmitted to our Kapolei office as well. All SHPD recommendations regarding the corridor are clear, and all requirements have been fulfilled. The remainder of these lots will be reviewed for future development. Construction of the roadway easement may commence without having any negative impact on historic properties. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall (Maui/Lana'i SHPD 243-5169) as soon as possible to resolve these concerns.

Aloha,

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division

MK:jen

c: Michael Foley, Director, Department of Planning, County of Maui, FAX 270-7634
Bert Ratte, County of Maui, Land Use and Codes, FAX 270-7972
Glen Ueno, County of Maui, Land Use and Codes, FAX 270-7972
Cultural Resources Commission, Planning Dept, 250 S. High Street, Wailuku, HI 96793

LINDA LINGLE
GOVERNOR



PHONE: (808) 984-8103
FAX: (808) 984-8111

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
54 High Street, Room 101
Wailuku, Hawaii 96793

April 11, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DAN DAVIDSON
DEPUTY DIRECTOR FOR LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

Ref: 03MD-075
Author: LD-lhw

Mr. William Koa Hodgins
708 Olinda Road
Makawao, Hawaii 96768

Dear Mr. Hodgins:

Subject: Draft EA for Access Easement at Honopou, Makawao, Maui,
TMK: (2) 2-9-001: Por. 018

For your information, the attached copy of a transmittal dated 4/8/03, from Ms. Genevieve Salmonson of OEQC, to Mr. Peter Young, Chairperson of the Board of Land and Natural Resources was received at our office today. It appears that the Draft EA was published on April 8, 2003, but this is not yet confirmed.

Please review the comments/requirements for completing your Final EA and feel free to contact Louis Wada at 984-8105 for any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jason K. Koga".

Jason K. Koga
District Land Agent

attach.

c: Central files
District files
Mr. R. Frampton

REFERENCES

Federal Emergency Management Agency, *Flood Insurance Rate Map, Maui County, Hawaii, Community-Panel Number 15003-0385b, June 1, 1981.*

State of Hawaii Department of Business, Economic Development & Tourism Land Use Commission, *Land Use District Boundary Maps - Haiku Quadrangle, 1983.*

U.S. Department of Agriculture, Soil Conservation Service, *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*, in cooperation with the University of Hawaii, Agricultural Experiment Station, August 1972.

U.S. National Park Service Western Region Natural Resources and Research Division Hawaii Cooperative Park Service Unit, *Hawaii Stream Assessment - A Preliminary Appraisal of Hawaii's Stream Resources Report R84*, Prepared for the State of Hawaii Department of Land and Natural Resources Commission on Water Resource Management, December 1990.

Wilson Okamoto & Associates, Inc., *Final Preservation Plan for County of Maui Bridges Within the Hana Highway Historic District*, prepared for County of Maui, Department of Public Works and Waste Management, December 2001.

APPENDIX A
CONSTRUCTION PLANS

T.M.K.: (2)3-8-01:18
(WILLIAM KOA HOBBS)
(OWNER)

SHED

00+00

5+00

520

510

530

540

550

560

570

580

590

600

T.M.K.: (2)2-8-01:18
STATE OF HAWAII

TRUE NORTH
SCALE: 1" = 40'

14.58

34.74

322°06'00"
47.79

(130.55)

(12.00)

(261°20'00"
12.00)

0+00

(138.90)

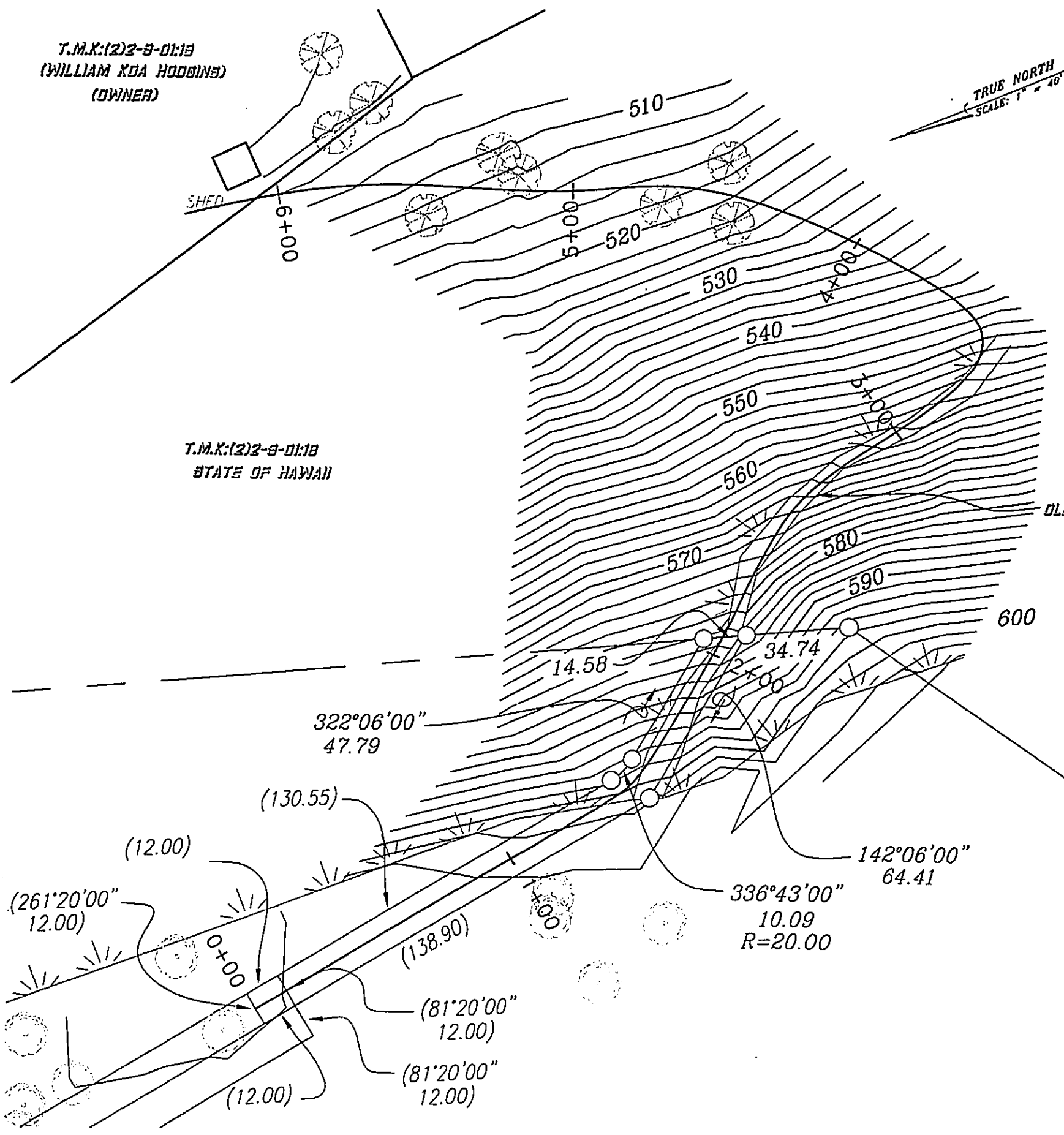
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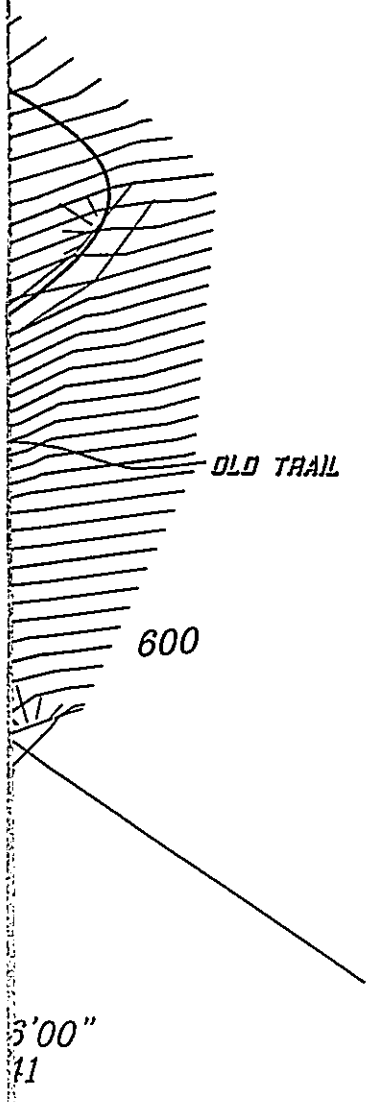
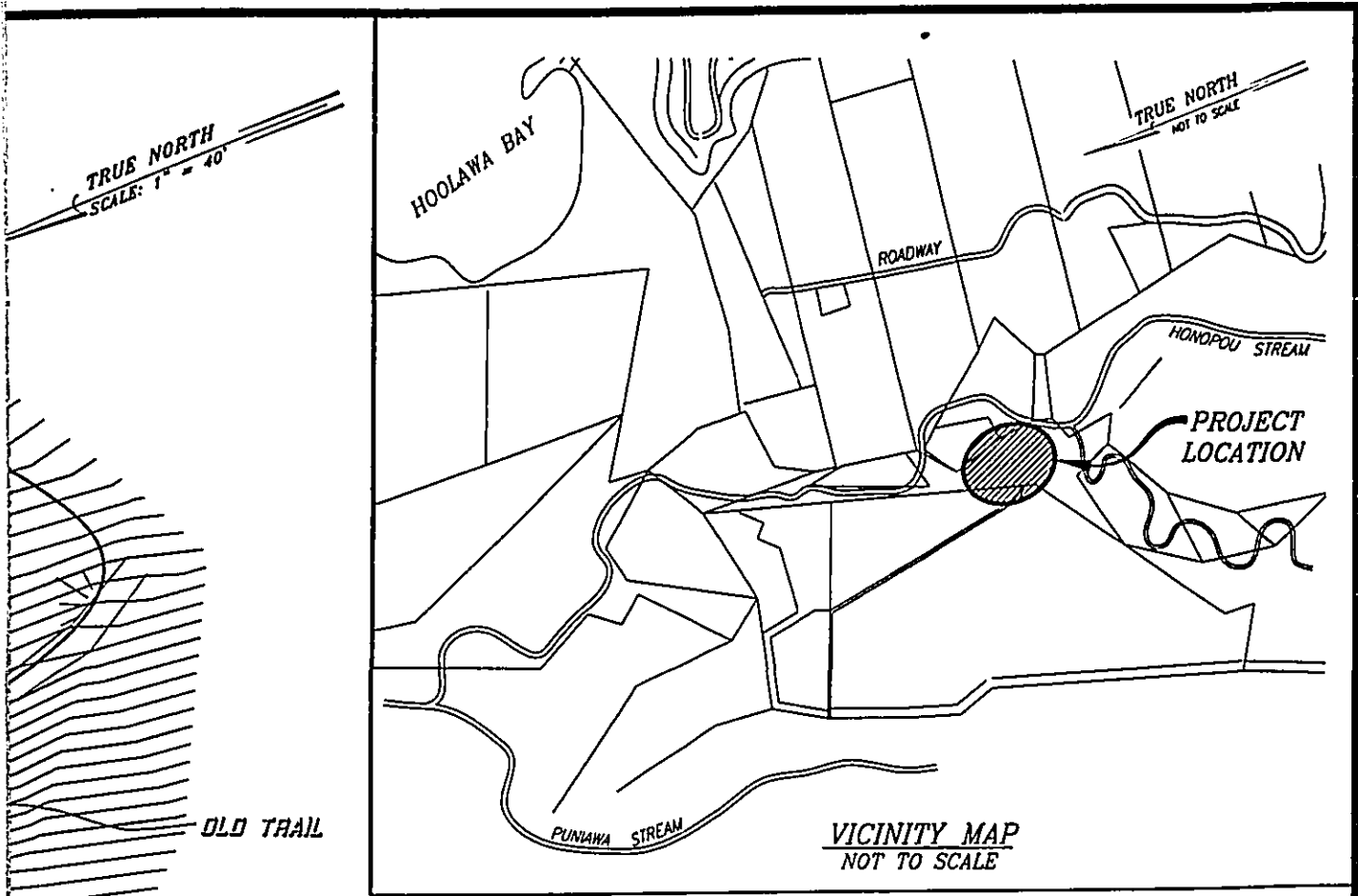
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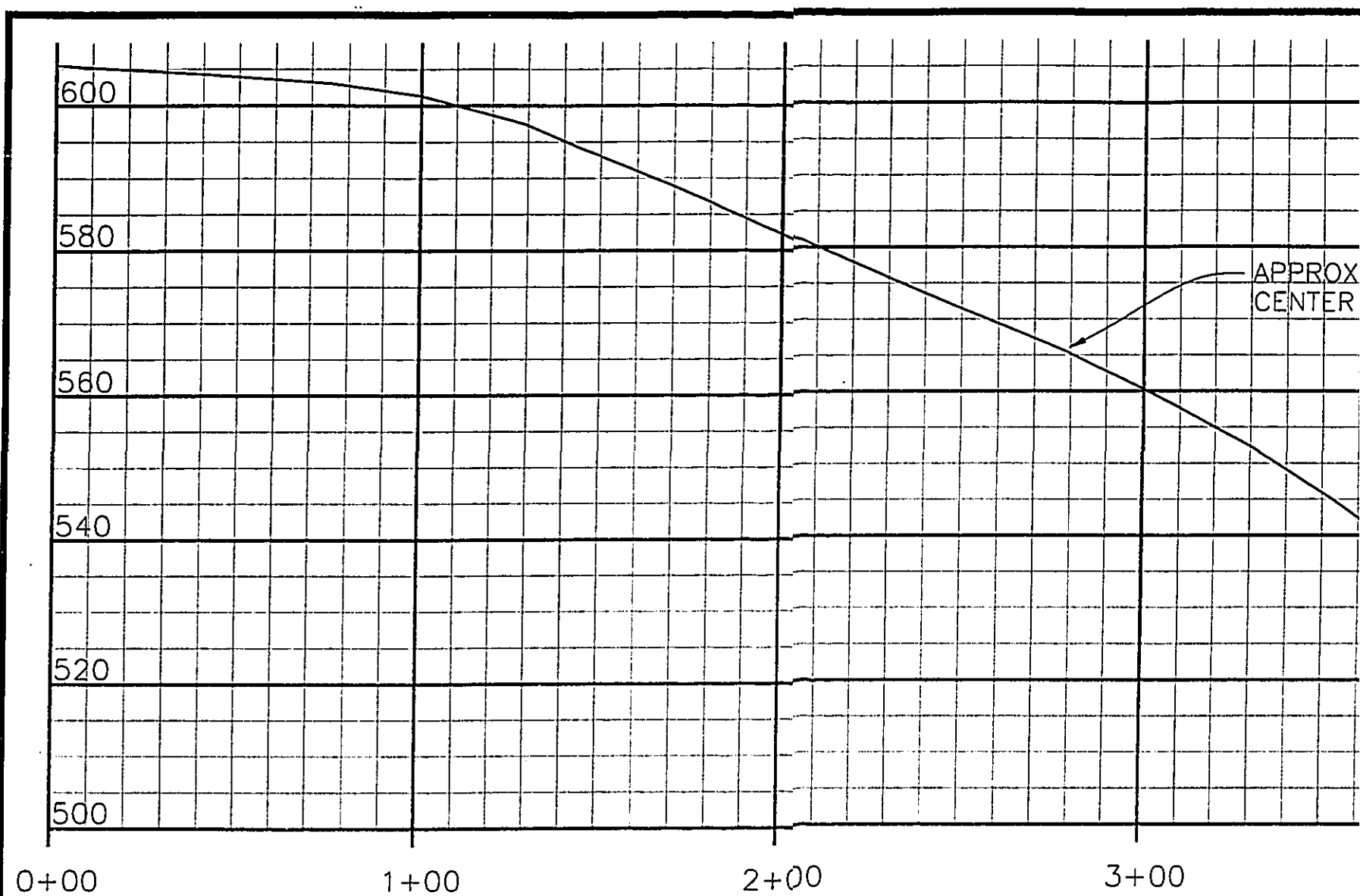
336°43'00"
10.09
R=20.00

142°06'00"
64.41



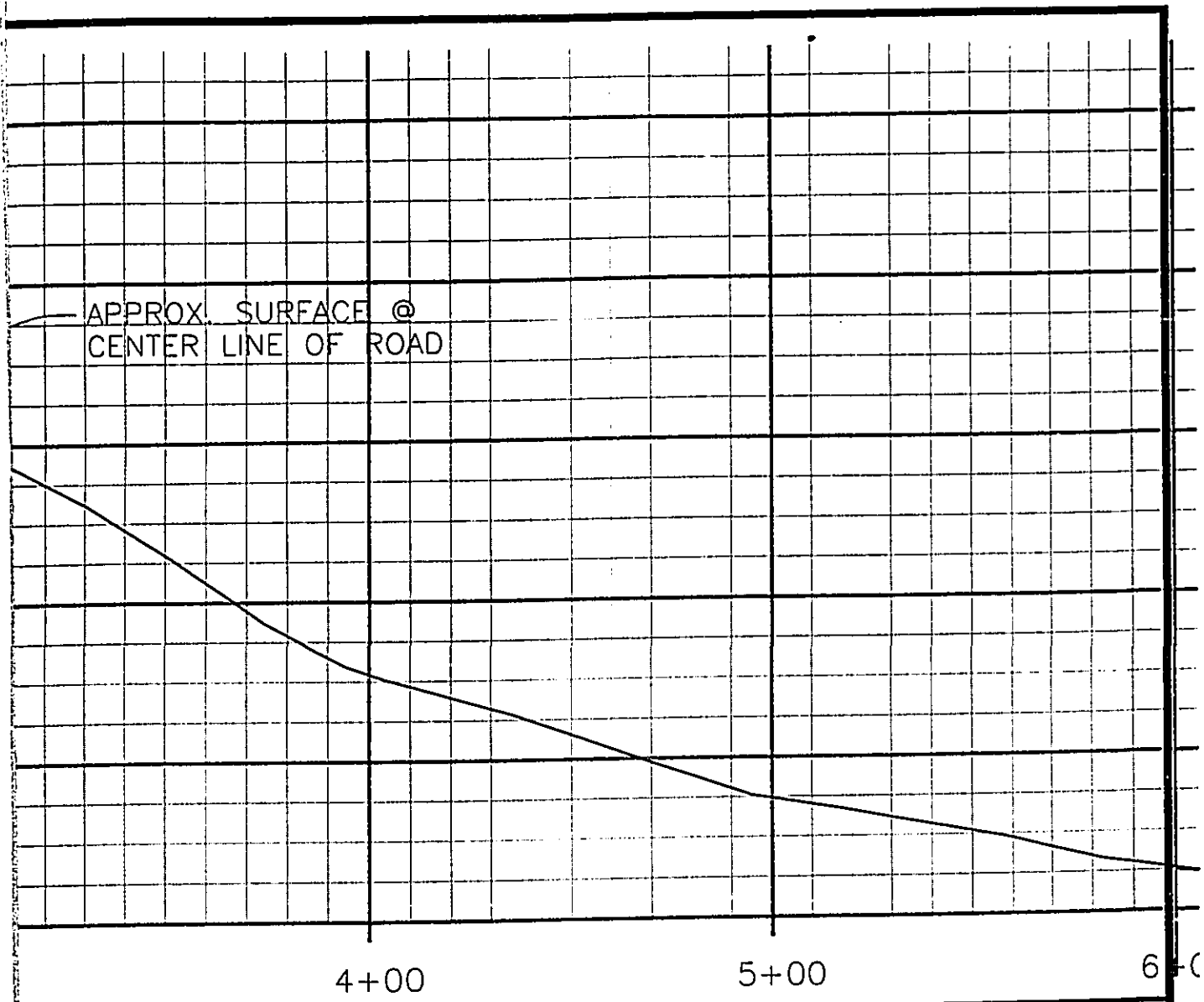


| | |
|---|--|
| <p>ACCESS ROAD PRELIMINARY LAYOUT FOR WILLIAM KOA HODGINS</p> | |
| <p>PLAN and VICINITY MAP</p> | <p>DRAWN BY: <u>AJP</u></p> <p>DATE: <u>7-22-2003</u></p> <p>CHECKED BY: _____</p> <p>REVISED: <u>8-9-2003</u></p> <p>REVISED: _____</p> <p>REVISED: _____</p> |
| <p>TMK: (2) 2-9-01:19 HUELO, MAUI, HAWAII</p> | <p>SHEET: C-1</p> |



PROFILE

HORIZ. SCALE: 1"=40'
VERT SCALE: 1"=20'



ACCESS ROAD
PRELIMINARY LAYOUT
FOR
WILLIAM KOA HODGINS

PROFILE

DRAWN BY: AJP
 DATE: 7-22-2003
 CHECKED BY: _____
 REVISED: 8-9-2003
 REVISED: _____
 REVISED: _____

TMK: (2) 2-9-01:19
 HUELO, MAUI, HAWAII

SHEET:
 C-2

APPENDIX B
ARCHAEOLOGICAL INVENTORY SURVEY

CRM SOLUTIONS HAWAII, INC.

P.O. Box 1866, Makawao, Hawaii 96768
(808) 878-2199 ... Email: palapala@tiki.net

**LIMITED ARCHAEOLOGICAL INVENTORY SURVEY OF A DESIGNATED ACCESS
EASEMENT THROUGH THE HUELO HUI PARTITION, HONOPOU AHUPUA`A,
HAMAKUALOA DISTRICT, MAUI, HAWAII
TMK (2) 2-9-01: 4, 18, AND 19**

Prepared By:

Patty J. Conte, M.A.
Principal Investigator
January 26, 2003

LIMITED ARCHAEOLOGICAL INVENTORY SURVEY OF A DESIGNATED ACCESS EASEMENT
THROUGH THE HUELO HUI PARTITION, HONOPOU AHUPUA`A,
HAMAKUALOA DISTRICT, MAUI, HAWAI`I
TMK (2) 2-9-01: 4, 18, AND 19

INTRODUCTION

Upon consultation between the landowner of the subject parcel, Mr. William K. Hodgins, and Dr. Melissa Kirkendall of the State Historic Preservation Division, it was determined that a court designated access easement for the parcel, situated at TMK (2) 2-9-01:19 would require a limited archaeological inventory survey as part of the state and county permit process. This report is submitted to satisfy documentation requirements of archaeological work completed.

The subject parcel and associated project area are located in windward East Maui in the district of Hamakualoa within a portion of Honopou *ahupua`a*, between approximately 500 and 600 feet above mean sea level (Figures 1 and 2). While no previous archaeological work has been undertaken within or immediately near the planned area of impact, it has already been significantly disturbed by commercial agricultural and residential farming activity. The current project is intended to provide access to a landlocked parcel (Figure 3) and will consist only of mechanized grubbing of non-native surface vegetation and grading of a 12 foot wide, 1,300 foot long soil and gravel access corridor (now designated Lot 6-B). The easement will begin 1.5 miles north-northeast of the intersection of Hana Highway and an existing dirt road informally known as Puniawa Road, and follows the north and northeast boundaries of Lots 6-A and 6-C within the same zone, section and plat of the subject parcel (Figure 3).

SUMMARY OF ACTIVITY AND BACKGROUND INFORMATION

A thorough pedestrian survey of the .371 acre (16, 161 sq. ft.) easement corridor (Lot 6-B) was conducted by CRM Solutions Hawai'i, Inc. on July 8, 2002. No cultural resources were identified within the planned area of impact.

The project area falls within the Kula Volcanics geological zone (Juvik and Juvik 1998: 42) and is generally characterized as rough broken land with Pauwela-Haiku associated soils. These gently sloping to moderately steep well-drained soils have fine textured subsoil and are primarily used for pasture and water supply. Soil in the immediate vicinity of the project area (Pfc) is comprised of Pauwela clay with 7 to 15 percent slopes (Foote, et al. 1972: 111-112). The ecosystem is described as wet forest and woodland and consists mostly of land transformed by human disturbance (Juvik and Juvik 1998: 122). Natural vegetation is dominated by weeds such as California grass (*Brachiaria sp.*), guava (*Psidium guajava*), and rice grass (*Paspalum orbiculare*), the latter of which is found

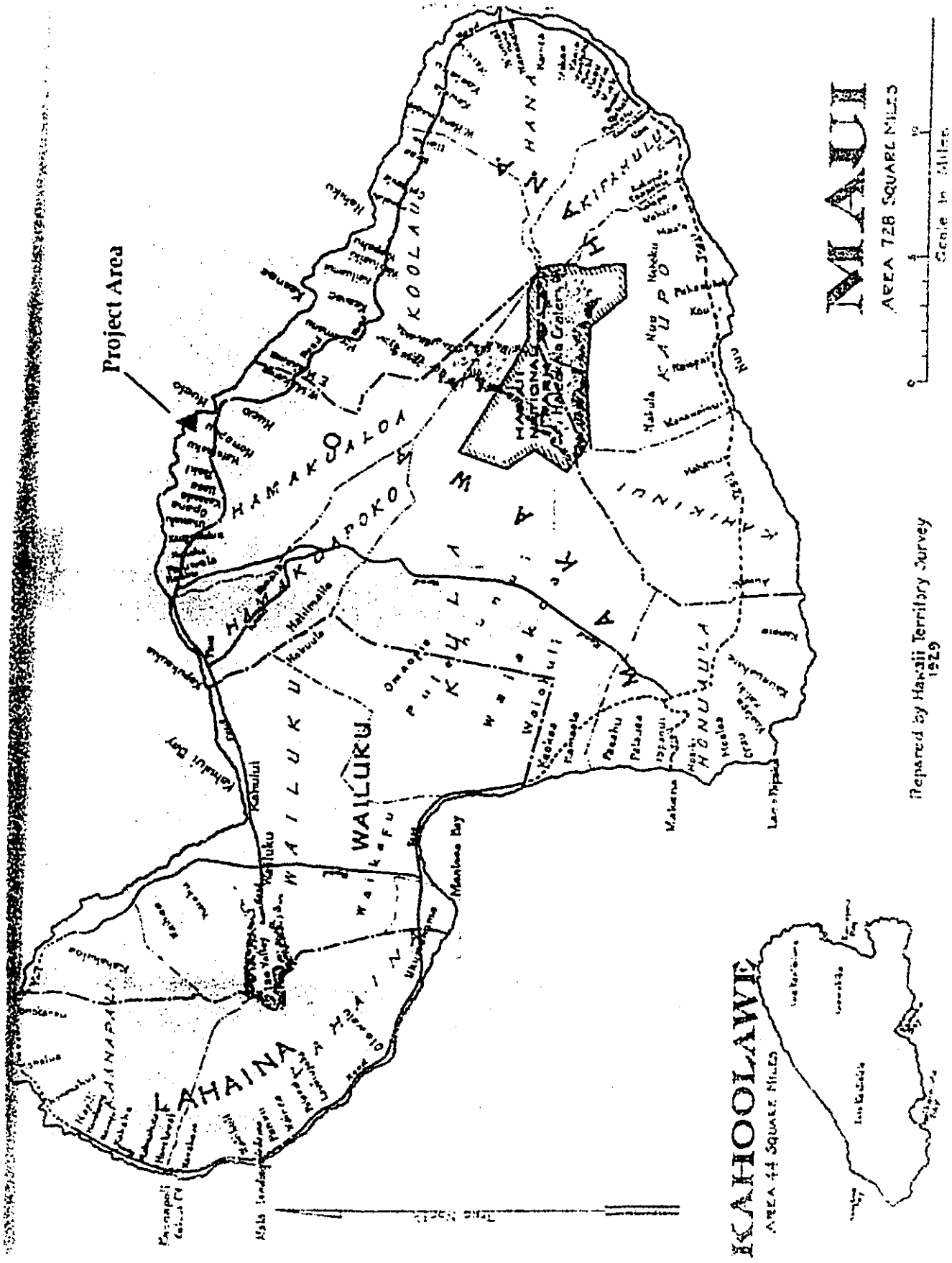


Figure 1 Location of Project Area Relative to the Island of Maui (Adapted from the Indices of Awards)

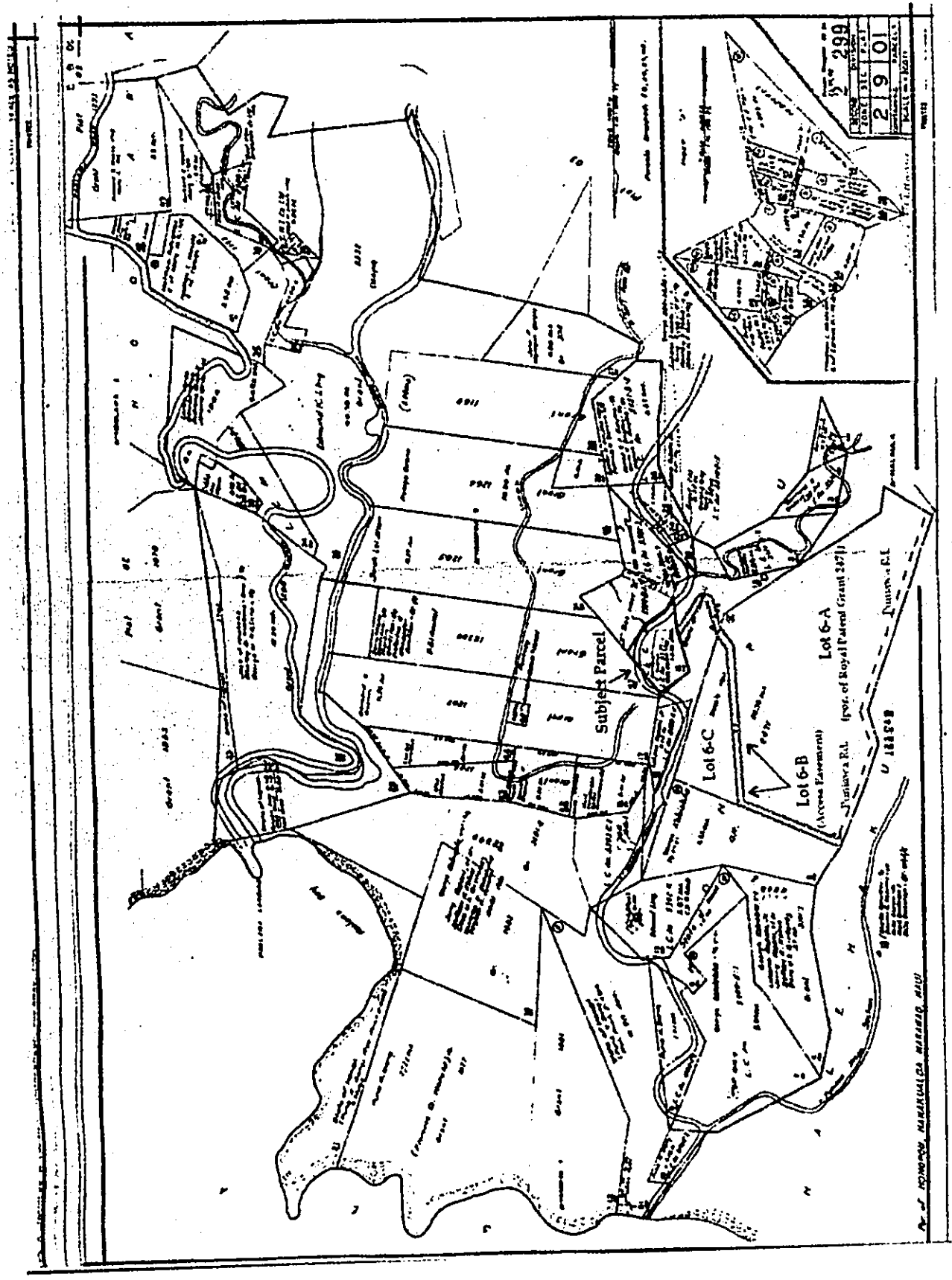


Figure 3 Location of Access Easement Relative to Subject Parcel
(Adapted from Hawaii Tax Map Key Zone 2, Section 9)

throughout Polynesia and is either native to Hawai'i or a very early introduction (Foote, et al. 1972; Haselwood and Motter 1983; Neal 1965). Sword fern (*Nephrolepis exaltata*), christmas-berry (*Schinus terebinthifolius*), mature mango (*Mangifera indica*) and java plum (*Eugenia cumini*) trees are also prevalent (Figures 4 and 5).

The location and area immediately surrounding the majority of the access corridor (Lots 6-A through 6-C) was formerly used for commercial pineapple production and then as pasture for grazing horses until 1998, when it was purchased as investment property by an out-of-state couple. No new development of the recently subdivided 26.7 acre parcel from which the access easement was granted has commenced. Although the real properties within and around the project area have apparently changed hands numerous times since the elimination of the feudal land tenure system in Hawai'i, Lot 6, where the majority of the access corridor is situated, remains a portion of Royal Patent Grant No. 2,471 to Keohokano. The designation as a Royal Patent Grant or Grant, as opposed to a Royal Patent issued upon a Land Commission Award (LCA), indicates that this parcel was sold after the Great Mahele by the Hawaiian Government to raise revenue for its debts (Chinen 1958). The parcel for which the easement is meant to provide access is a section (*Apana* 1) of Land Commission Award 5521 to Nakaikuaana. Dated January 24th, 1848, the Native Register (Vol. 6, pg. 317) account of Nakaikuaana's claim for the land states that he cultivated "in various places of the 'Ili of Kapahi" and that he had "some *koa paki* (fallen and shattered *koa* trees) at Holowa." He was also working other land at Honopounui. A July 18th, 1848 entry in Volume 7 of the book of Native Testimony indicates that LCA 5521:1 was being used for the cultivation of taro in Papamuka and Kapahi; this land claim is bounded on the *mauka* and *makai* sides by the claims of Kaapu and Inihia, respectively, on the Ko'olau side by Honopou *pali* and on the Wailuku side by an unnamed *pali* or gulch.

As noted above, no cultural resources were observed within or immediately near the access easement corridor; however, a portion of a dirt trail presumably dating from the period of pineapple cultivation in the area is located on a steep section of the state land that lies between Lot 6-A and the Hodgins' parcel. The closest known formally documented archaeological site to the project area, Po'oho'olewa Heiau (50-50-06-68), is southeast of the project area on a high bluff to the east of Honopou Gulch. This site, which falls within TMK (2) 2-9-01:65, is described as a large walled *heiau* of sacrificial or *luakini* class and was first recorded by Winslow M. Walker during his 1928 survey of Maui archaeology (Sterling 1998: 105).

RECOMMENDATIONS

Due to the extensive amount of previous disturbance within the area, no cultural resources are expected to be impacted by the relatively limited amount mechanized alteration that will be necessary for construction of the access easement. However, given the proximity of the project area to several parcels known to have been cultivated in taro and most probably sweet potato which potentially contain remnant agricultural and/or *lo'i* terraces, it is imperative that the State Historic Preservation Division be afforded the



Figure 4 Location of Access Corridor within Lot 6-C
(View to Northwest)

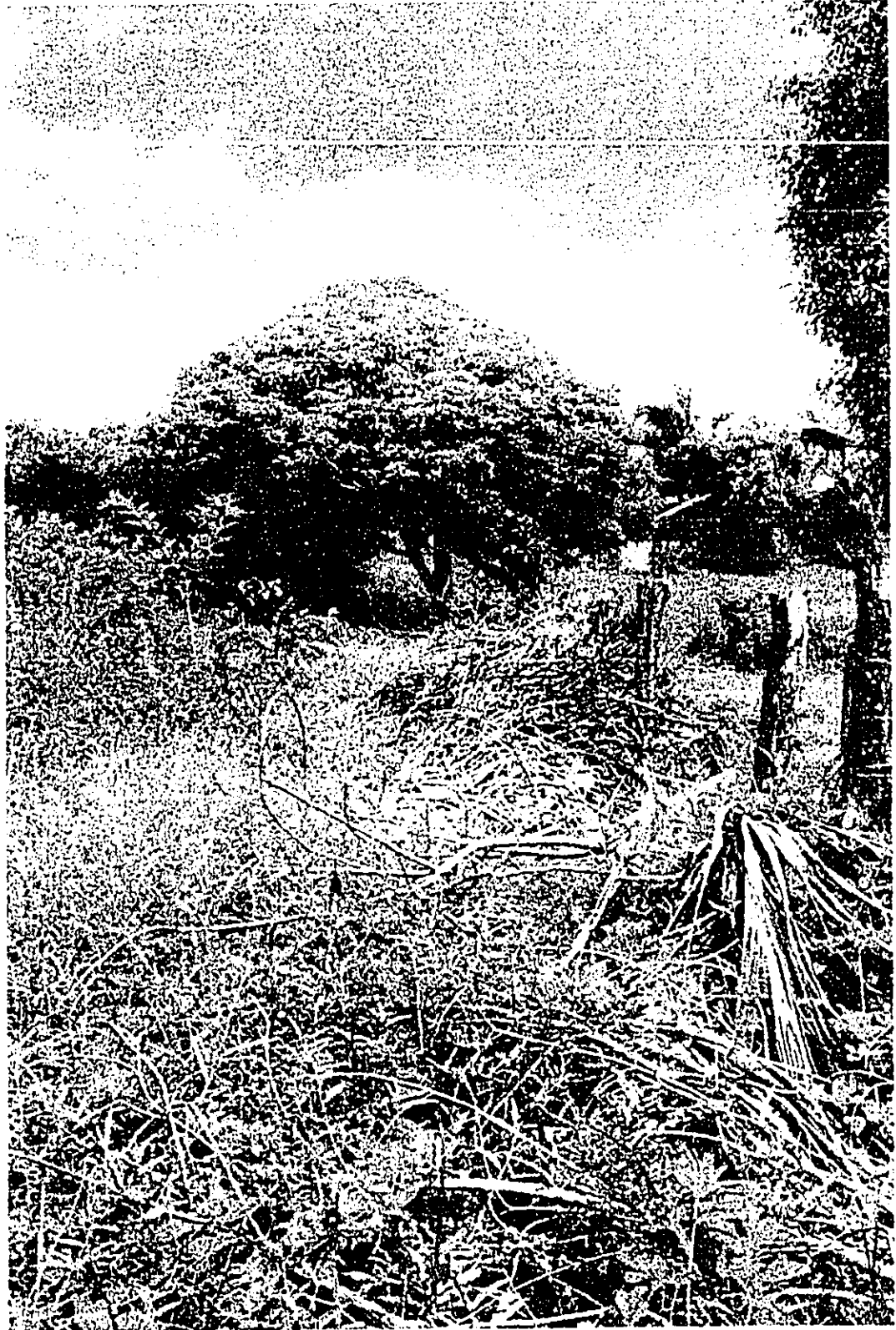


Figure 5 Location of Access Corridor along Boundary of Lot 6-B
(View to West)

opportunity to review and comment upon any future ground disturbing or development activities associated with the subject parcel.

REFERENCES CITED

- Chinen, J.
1958 *Great Mahele, Hawaii's Land Division of 1848*. University of Hawai'i Press, Honolulu.
- Foote, D. E., E.L. Hill, S. Nakamura, and F. Stephens
1972 *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*. United States Department of Agriculture Soil Conservation Service, United States Government Printing Office, Washington, D.C.
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1998 *Atlas of Hawai'i, Third Edition*. Department of Geography, University of Hawai'i at Hilo, University of Hawai'i Press, Honolulu.
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1848 *Native Testimony of Land Commission Awards, Volume 7*. Typescript, Hawai'i State Archives, Honolulu.
- Neal, M.
1965 *In Gardens of Hawai'i*. Bernice P. Bishop Museum Special Publication 50, Bishop Museum Press, Honolulu.
- Sterling, E.
1998 *Sites of Maui*. Bishop Museum Press, Honolulu.

APPENDIX C
SITE PHOTOGRAPHS OF
TMK (2) 2-9-1:18



FIGURE 1 : VIEW OF ACCESS EASEMENT LOOKING SOUTHEAST
(DOWNHILL)



FIGURE 2 : VIEW OF ACCESS EASEMENT LOOKING SOUTHEAST
(DOWNHILL)



FIGURE 3: VIEW OF ACCESS EASEMENT LOOKING NORTHEAST
(TOWARDS APPLICANT'S PARCEL)



FIGURE 4: VIEW OF ACCESS EASEMENT LOOKING NORTHEAST
(TOWARDS APPLICANT'S PARCEL)

APPENDIX D
CULTURAL RESOURCES IMPACT STATEMENT

CRM SOLUTIONS HAWAII, INC.

P.O. Box 1866, Makawao, Hawaii 96768
(808) 878-2199 ... Email: palapala@tiki.net

Cultural Resources Impact Statement

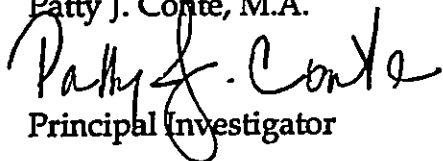
Consultation between the landowner, Mr. W. K. Hodgins, and Dr. Melissa Kirkendall of the State Historic Preservation Division determined that the proposed access for the subject parcel situated at Huelo, Maui (TMK (2) 2-9-01:19) would require a limited archaeological inventory survey as part of the state and county permit process.

A thorough pedestrian survey of the .371 acre (16,161 sq. ft.) access route was conducted by this firm on July 8, 2002. While it is clear from historic land use documents that traditional Hawaiian agricultural practices, such as *lo'i* (wetland taro) cultivation did occur in the vicinity of the subject parcel, no evidence of this type of activity was found within or adjacent to the proposed area of impact. The closest known formally documented archaeological site, Po'oho'olewa Heiau (50-50-06-68), is located southeast of the project area on a high bluff to the east of Honopou Gulch. This site falls within TMK (2) 2-9-01:65 and is described as a large walled *heiau* (temple) of sacrificial or *luakini* class. The site is not within the proposed area of impact, is far enough away and sufficiently protected by local topography that the current project will have no effect.

An inventory survey report of the limited archaeological inventory survey and background research was prepared in January of 2003 as part of the environmental assessment submitted for review to the County of Maui. The findings of this document are as follows:

1. Due to the extensive amount of ground altering disturbance within the area resulting from previous use for pineapple cultivation and then as horse pasture, no known cultural resources will be impacted by the relatively limited mechanized alteration necessary for construction of the access corridor and it is unlikely that unidentified subsurface features will be found.
2. Given the proximity of the project area to several parcels known to have been cultivated in taro and most probably sweet potato which potentially contain remnant agricultural and/or *lo'i* terraces, it is imperative that the State Historic Preservation Division be afforded the opportunity to review and comment upon any future ground disturbing or development activities associated with the subject parcel.

Patty J. Conte, M.A.


Principal Investigator