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PUAKO KIAWE FOREST APIARY

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Final Environmental Assessment

Puako Kiawe Forest Apiary

Lalamilo, South Kohala District, Hawaii
TMK: 3rd/6-9-001:15 por.

Submitted to:
State of Hawaii
Department of Land and Natural Resources
Land Management Division

Submitted by:
Richard Spiegel, Owner
Volcano Island Honey
40-4013 Puaono road
Honokaa, HI 96727

August 2004

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*This document was prepared pursuant to:
Hawaii Revised Statutes Chapter 343 and Hawaii Administrative Rules Chapter 11-200 (Department of Health)*

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SUMMARY

PROJECT NAME: Puako Kiawe Forest Apiary

APPLICANT: Volcano Island Honey Co., a sole proprietorship
40-4013 Puaono Road, Honokaa, Hawaii 96727

APPROVING AGENCY: Department of Land and Natural Resources, Division of Land Management,
State of Hawaii
P.O. Box 621, Honolulu, Hawaii 96809

LOCATION: Lalamilo, South Kohala District, Island and County of Hawaii

TAX MAP KEY: 3rd/6-9-01:15

CLASS OF ACTION: Proposed use in the Conservation District; use of State land

DETERMINATION: Finding of No Significant Impact

PROPOSED ACTION: Commercial apiary operations consisting of 125 to 300 portable stacked beehive boxes. One colony of bees live in each stack. Beehive area will require 3-5 acres; however, the bees forage throughout the entire kiawe forest. Request is to lease or license a portion of the Site.

ESTIMATED COST: negligible

PROJECT OBJECTIVE: Produce world-class pure kiawe honey using organic methods which depends on the preservation of this exceptionally productive kiawe forest.

MITIGATION MEASURES: None required.

UNAVOIDABLE IMPACTS OR UNRESOLVED ISSUES: None.

STATE LAND USE DISTRICT: Conservation, General Subzone

GENERAL PLAN: Open

ZONING: Agricultural (A-5a)

PERMITS REQUIRED: Conservation District Use Permit; determined to be exempt from SMA

1.0 INTRODUCTION

1.1 Applicant and Approving Agency

Volcano Island Honey Co., a sole proprietorship ("Applicant"), proposes to license or lease land from the State of Hawaii to establish an apiary in an existing kiawe forest. The proposed use of State-owned Conservation land triggers the environmental review requirements under *Hawaii Revised Statutes* Chapter 343. As the administering agency of State land, the State of Hawaii Board of Land and Natural Resources is the approving agency for this environmental assessment.

1.2 Public Agencies and Organizations Consulted

The following agencies and organizations were consulted during the process of preparing this environmental assessment or during the 30-day public review period:

- Federal
 - U.S. Army Corps of Engineers
 - U.S. Department of the Interior, Fish and Wildlife Service
 - U.S. Department of the Interior, Geological Survey
 - U.S. Department of Agriculture, Natural Resources Conservation Service
- State
 - Department of Agriculture
 - Department of Health
 - Department of Land and Natural Resources, State Historic Preservation Division
 - Office of State Planning
 - Office of Hawaiian Affairs
 - Department of Transportation
 - University of Hawaii at Manoa (Environmental Center)
- County
 - Planning Department
 - Department of Public Works
 - Fire Department
 - Police Department
- Organizations and Individuals
 - Puako Community Association
 - Waimea Outdoor Circle
 - Sierra Club
 - Elected officials
 - Adjacent landowners/lessees.

The general public was notified of the Project through the following means:

- Libraries-- copies of the Draft Environmental Assessment were sent to the Waikoloa and Waimea Libraries;
- Environmental Notice-- availability of the Draft Environmental Assessment was published in OEQC's Environmental Notice.

2.0 DESCRIPTION OF PROPOSED ACTION

2.1 Location and Ownership

The subject parcel (TMK: 3rd/6-9-001:015) is located in the vicinity of Puako at Lalamilo, South Kohala District, island and County of Hawaii ("Site") (see Figure 1). The Site, consisting of approximately 550 acres, is owned by the State of Hawaii.

The Applicant is primarily interested in the kiawe forest portion of the Site. The kiawe forest comprises approximately one-half of the Site, but a convenient delineation of the kiawe portion is the emergency access road for the Puako residents (approximately 300 acres for the portion of the Site up to the emergency access road) (see Figure 2). The balance of the Site is undeveloped scrub vegetation. The Applicant prefers to encumber just the kiawe forest area portion up to the emergency access road but will accept the entire Site at the discretion of the Board of Land and Natural Resources. The proposed area for the beehives is within the heart of the densest canopy occupying an area of approximately 3-5 acres (see Figure 3). However, the entire forest is necessary for the operation because the bees gather nectar and pollen from the entire kiawe forest.

The Applicant presently leases a portion of the adjacent parcel from a private owner (TMK: 3rd/6-8-001:022). The owner of this parcel has plans to develop it into a golf course. This existing location is adjacent to an area cleared for a grapefruit orchard by a former lessee of the State land. The orchard was abandoned in 2001 when its water supply was cut off by owners of the adjacent parcel (TMK 3rd/6-8-001:022).

2.2 Surrounding Uses

The surrounding uses are as follows (see Figure 4):

- North: State-owned vacant land (TMK 6-6-002:031 & 040); County transfer station (TMK 6-6-002:039);
- South: State-owned vacant land (TMK 6-9-001:077) and Mauna Lani golf course (TMK 6-8-022:042);
- East (mauka): proposed golf course on land owned by Pauoa Bay Properties LLC (TMK 6-8-001:022) with approved permits (SMA Use Permit No. 415 and Use Permit 184 to White Sand Beach Limited Partnership issued on May 4, 2001);
- West (makai): Puako village with the nearest residence to the proposed beehive location approximately three-fourths of a mile.

FIGURE 1. Location Map

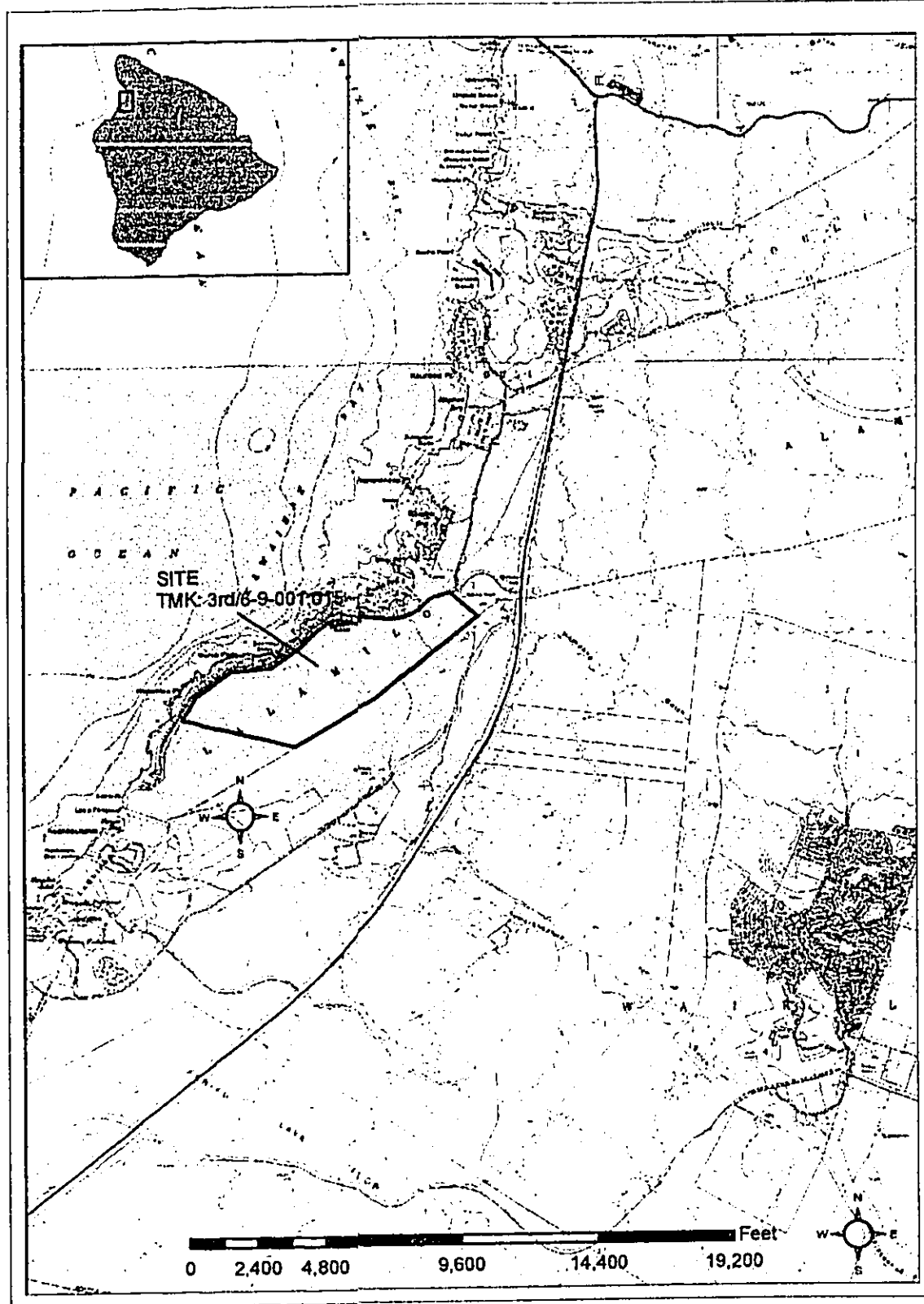


FIGURE 2. Kiawe Forest Area within Site

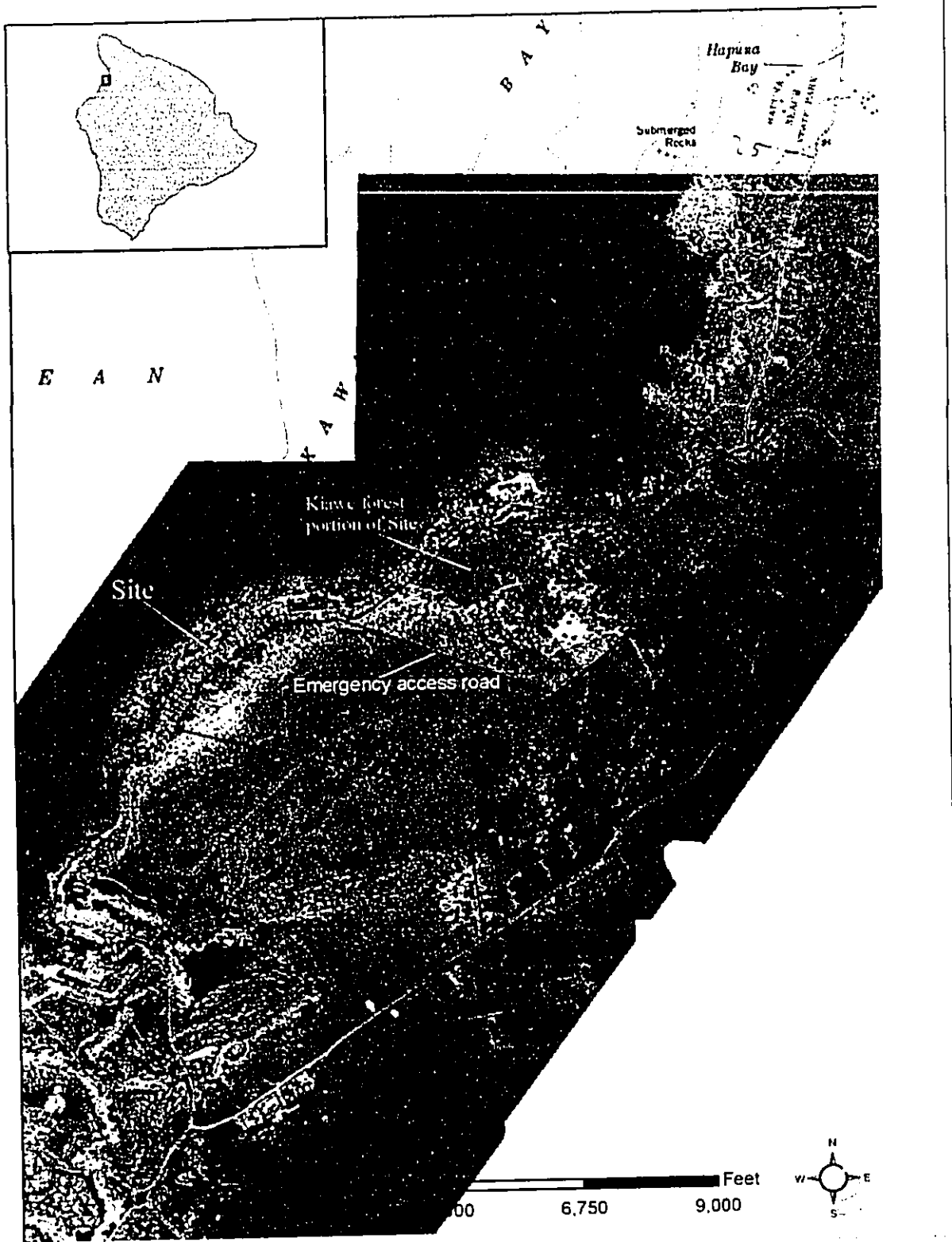


FIGURE 3. Aerial Photograph of Site and Surrounding Areas

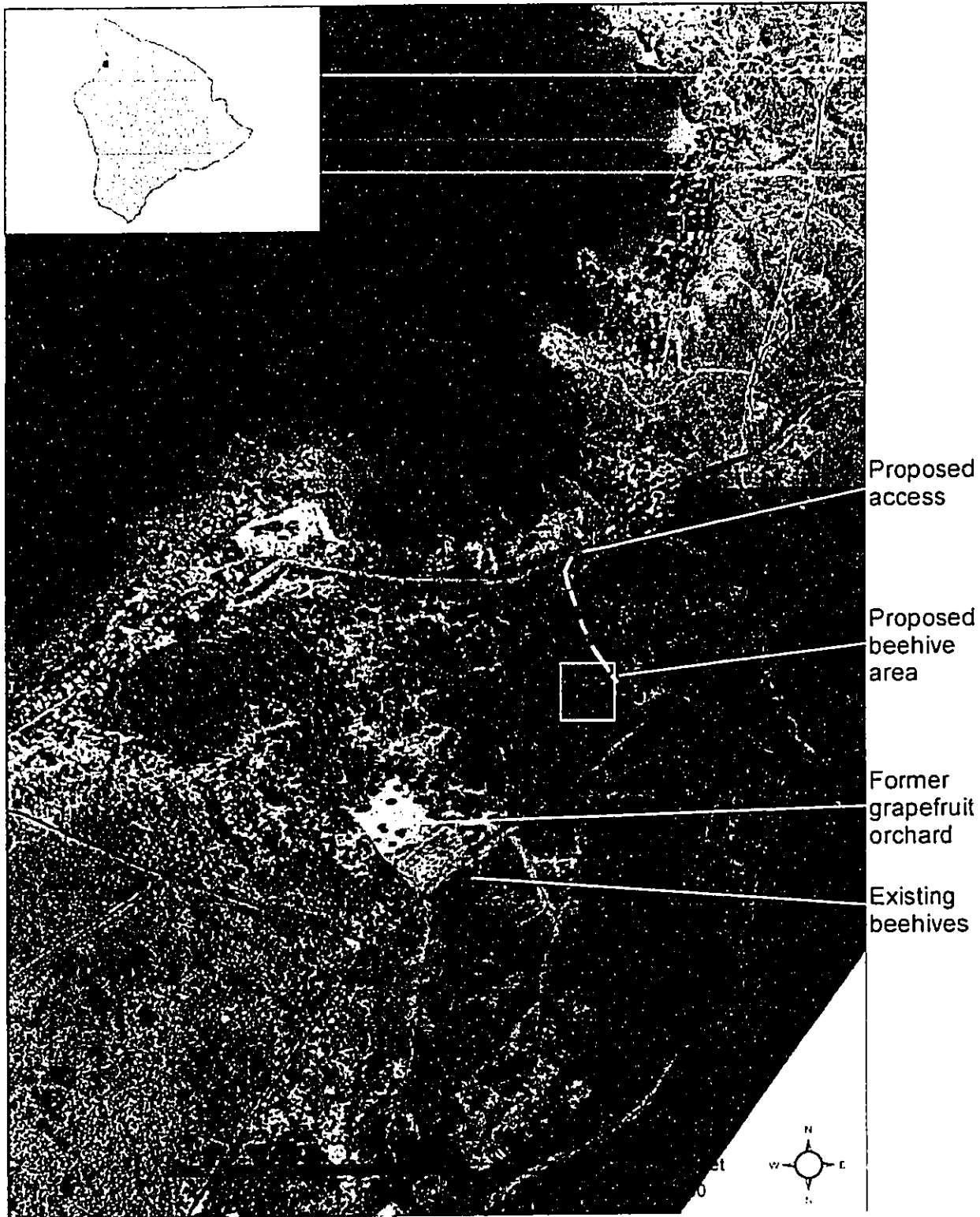
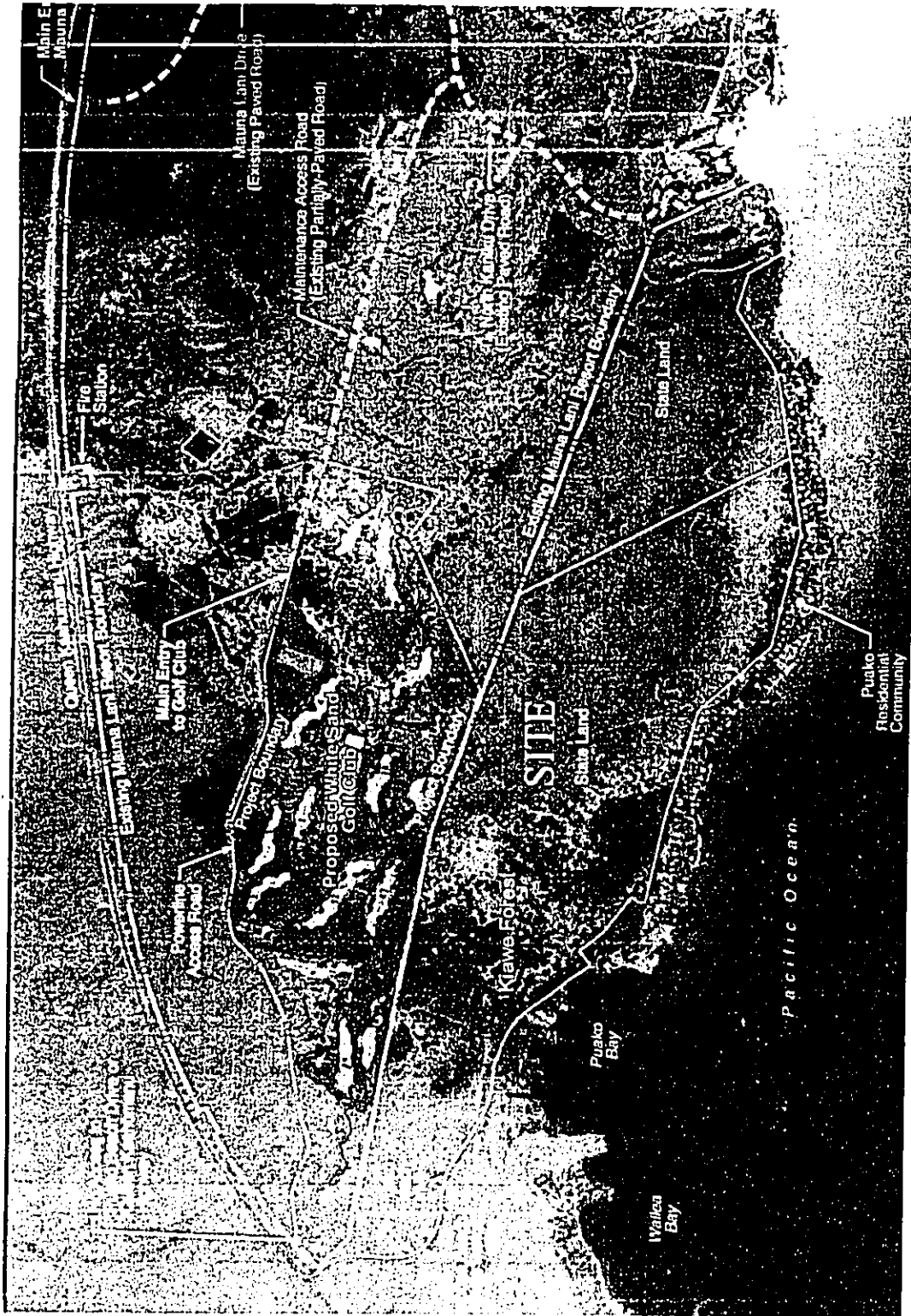


FIGURE 4. Surrounding Owners and Uses



Source: County of Hawaii Planning Department Files, SMA Use Permit No. 415, Prepared by Bell Collins & Associates for White Sands Beach Limited Partnership

2.3 Project Description

The Applicant produces a gourmet quality organic honey that depends on the unique features of the Site. Unlike typical honey, the Applicant does not heat this honey in mass-production fashion. The harvesting of the honey is timed exactly and handled in a way to optimize natural crystallization, a meticulous process that has earned the Applicant accolades as a "food artisan."¹ The result is a honey with a smooth texture, delicate taste, white color, and nutrition that excels over other filtered and heated honey.

This rare honey depends on the following unique features of the Site:

- **Kiawe.** The Applicant's process only works with kiawe honey. Nearly all honeys crystallize naturally, but kiawe honey crystallizes very rapidly. The crystals formed by rapid crystallization are very tiny, producing a firm, smooth texture.
- **Single Floral.** Purity is essential. The nectar collected by the bees comes only from kiawe and is not mixed with the nectars from other flowers. The purer the kiawe honey, the closer it is to pure white with the characteristic delicate taste and smooth texture. This single-floral nectar is possible because kiawe is dominant in this forest with very sparse undergrowth with virtually no other nectar sources, and the forest is expansive to extend the full range of a bee's foraging.
- **Isolation.** This kiawe forest is surrounded by barren lava fields. The isolation buffers the forest from alien plant invasion and contaminants.
- **Productivity.** This particular kiawe forest is unique and unusually productive. Where other kiawe trees typically grow to 15' in height, the trees in this forest are nearly 60'. The kiawe forests of Molokai may come closest to the concentration of trees, but it is nowhere comparable to the lushness of this forest. This kiawe forest is probably the densest natural green vegetation between Kawaihae and Kailua. An underground water source is the likely reason for the exceptional growth. The kiawe trees here produce flowers heavy with nectar.

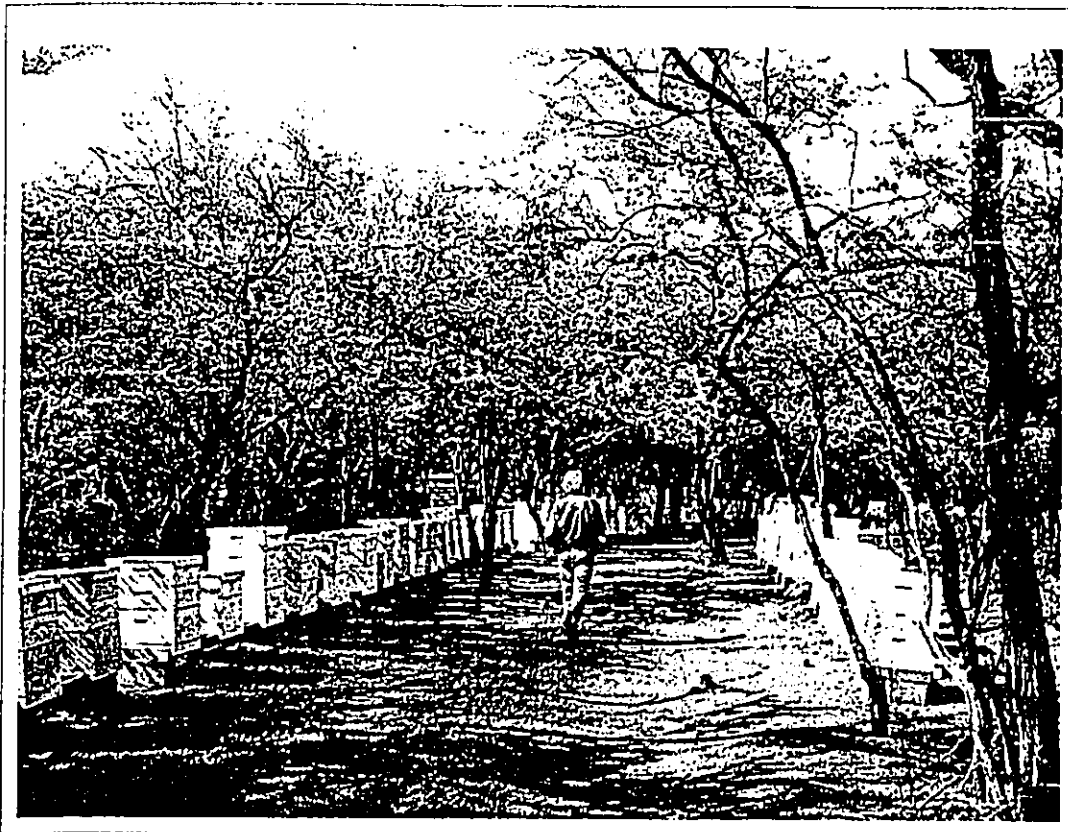


The French use the term "terroir" to recognize and protect special places that are uniquely suited to produce fine quality wines. Such is the intimate relationship of the Site with the Applicant's quality internationally known product.

The Site is where the bees will live and produce honey. No other facilities will occur on the Site since the Applicant extracts and bottles the honey at production facilities in Ahualoa. The Applicant's beehive operation currently consists of approximately 125 hives with plans to slowly expand to a maximum of 300 hives. The hives are stacked boxes (see Figure 5). The worker bees gather the nectar and carry it to these box hives where it is deposited in the cells of the wax comb. Nectar is many parts water, so the bees use their wings as evaporators. When ripened into honey, the bees cap the honey-filled combs with wax to preserve it. Determining when to pick the honey is the art. If taken too early, the water content will be too high; the honey might ferment in the jar. If too late, it will start to crystallize in the comb. Once crystallized, the only way to extract is to heat it which is not acceptable to produce the Applicant's type and quality of honey. Many commercial beekeepers use forced air or

1. Haedrich, Ken, "Hawaii's Honey Man" in National Geographic Traveler. See also letter in Appendix B from national health food chain Whole Foods Market recognizing Applicant as an authentic food artisan.

FIGURE 5. Existing Beehive Operation



poison to chase the bees to remove the honey. The Applicant avoids these violent methods by improvising a one-way door system to allow the bees to leave the box and not reenter.

The Site requires a water source for the bees. The Applicant initially chose the existing site because of its proximity to the former grapefruit orchard which provided a water source to keep a pond filled. Since the discontinuation of the orchard and the water source, the Applicant has had to truck in water as needed, a practice the Applicant plans to continue at the proposed Site. The source to truck the water is nearby--either from an existing well on land formerly owned by Mauna Lani (now owned by Pauoa Beach Development) or from the Mauna Lani Resort golf course. The superintendent of the course has offered the small amount of water if needed to supply the water required for the bees. The trucked water would fill a small, shallow lined pond in a natural depression no more than 36 inches deep. An alternate long-term water source may be to seek the proper permits at the appropriate time from the Commission on Water Resources Management to drill a shallow well onsite.



An existing dirt access road adequately serves the Site. Although this access road connects to the Mauna Lani service road, the Applicant proposes to access from a gate at the Puako Road and will not use the resort's service road. The access road from Puako Road was severely damaged in the flooding on January 23, 2004. However, the neighboring golf course developer fully repaired the road. Apparently, the washout occurred because a diversion berm located on that neighbor's property had a break in it that had never been repaired. Although the developer, DLNR, and County have conferred to determine responsibility for maintenance, it is still unresolved and would be an unfair burden if placed entirely on the Applicant for a regional drainage problem. Nevertheless, should the access from Puako Road be closed for any reason, the Applicant will approach Mauna Lani to resume use of their service road.



The Applicant needs to move from the existing site in the event it becomes incompatible with the proposed golf course. The proposed Site is also shadier, providing a more practical working environment for employees and bees. Unless the golf course is operated organically, pesticide drift and the use of synthetic and toxic applications could affect the Applicant's operation directly at the existing site but could still impact the operation even at the proposed Site since the Applicant's operation is certified organic.



Honeybees become defensive around their hives only if incited. Honeybees die after they sting and are therefore

reticent to sting except when threatened. It is important to distinguish honeybees from yellow jackets and other insects of the hornet and wasp families. Yellow jackets are carnivorous, and sometimes aggressive when attracted to human food. Honeybees are vegetarian and eat only pollen and nectar from flowers, and are therefore not attracted to human activity. Walking among honeybees and hearing their buzz is a captivating experience. This beekeeping operation will not foreclose and may even invite compatible multi-use of this peaceful forest.

2.4 Project Objectives

The project objectives are as follows:

- Recognize and protect the kiawe forest as a very special place uniquely suited for a particular type of honey production; and
- Obtain a license or lease of the Site to enable continued beekeeping operation.

2.5 Project Schedule and Cost

The Applicant intends to relocate to the Site as soon as permits allow. There would be minimal initial capital outlays. No land clearing or alteration would be required since the access road already exists and the beehive boxes are merely placed among the existing trees and vegetation. The shallow pond would use a natural depression and would not involve much capital cost. The cost for water to fill the pond would be the occasional trucking cost.

3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT, IMPACTS AND MITIGATION MEASURES

3.1 Physical Characteristics

3.1.1 Climate

The Site is located on the drier leeward side of the island. The average annual rainfall is less than 10", one of the driest parts of the island. Leeward coastal areas such as Puako have more clearly defined summer (dry) and winter (wet) seasons, in comparison to high-rainfall areas where the rainfall is more uniform throughout the year.²

Mean temperature is the hottest on the island at greater than 76°F. Wind patterns are generally diurnal-- onshore winds prevail from mid-morning to just before sunset, while cooler westerly winds sweep down the slopes of Mauna Kea in the early evening to the next morning (see Figure 6). The average wind velocity (7-8 mph) is also less than typical tradewinds (12-14 mph). However, gusty winds blowing through the saddle of the Kohala Mountains and Mauna Kea do reach the area under certain conditions.

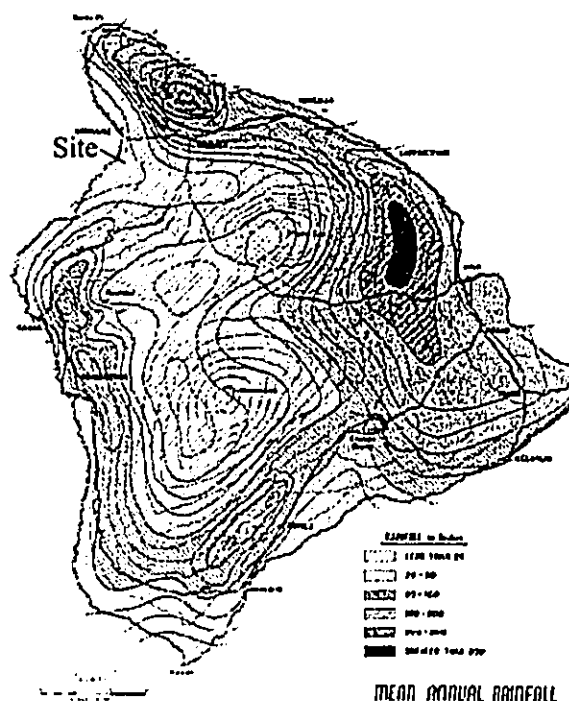
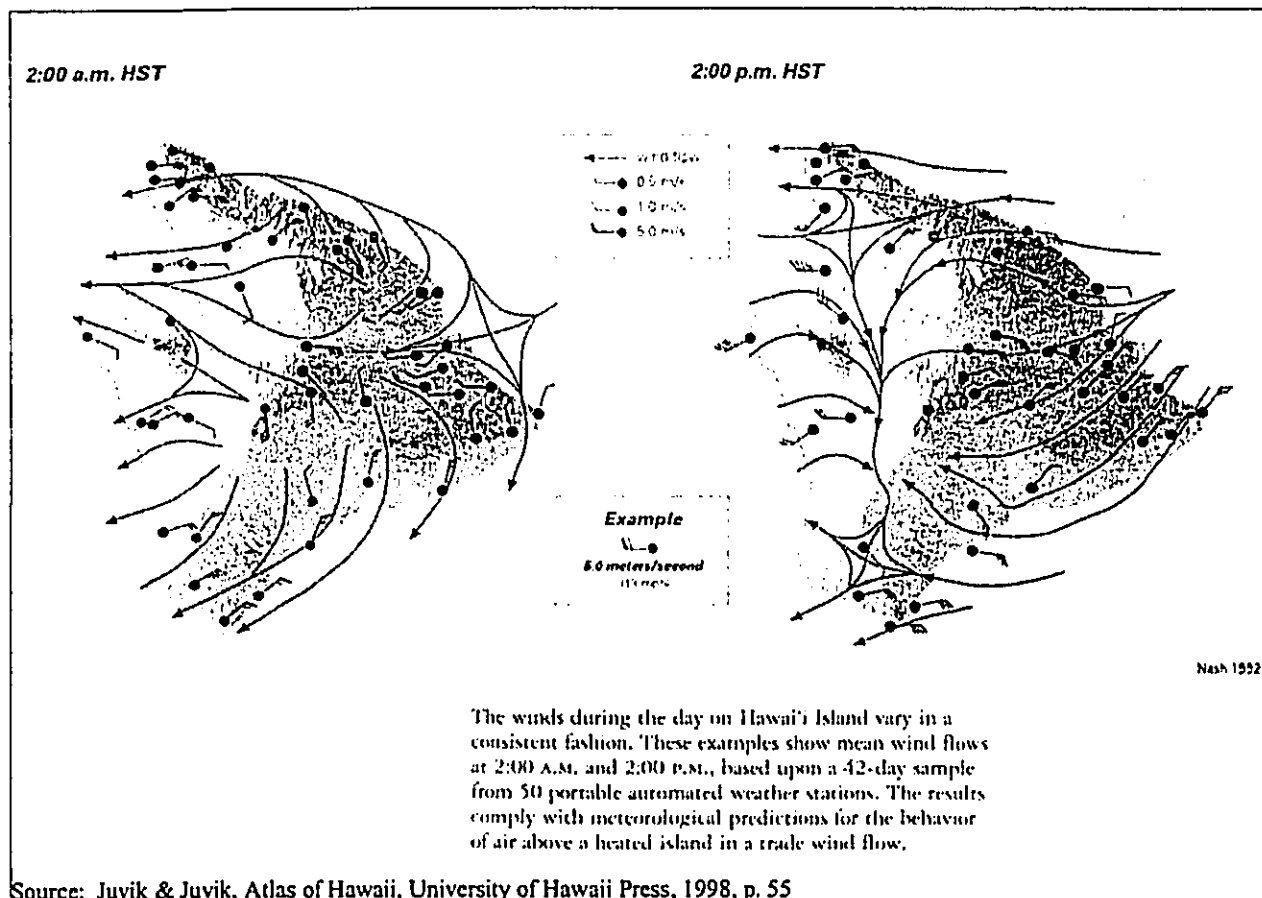


FIGURE 6. Diurnal Variation in Wind Patterns



Impacts and Mitigation

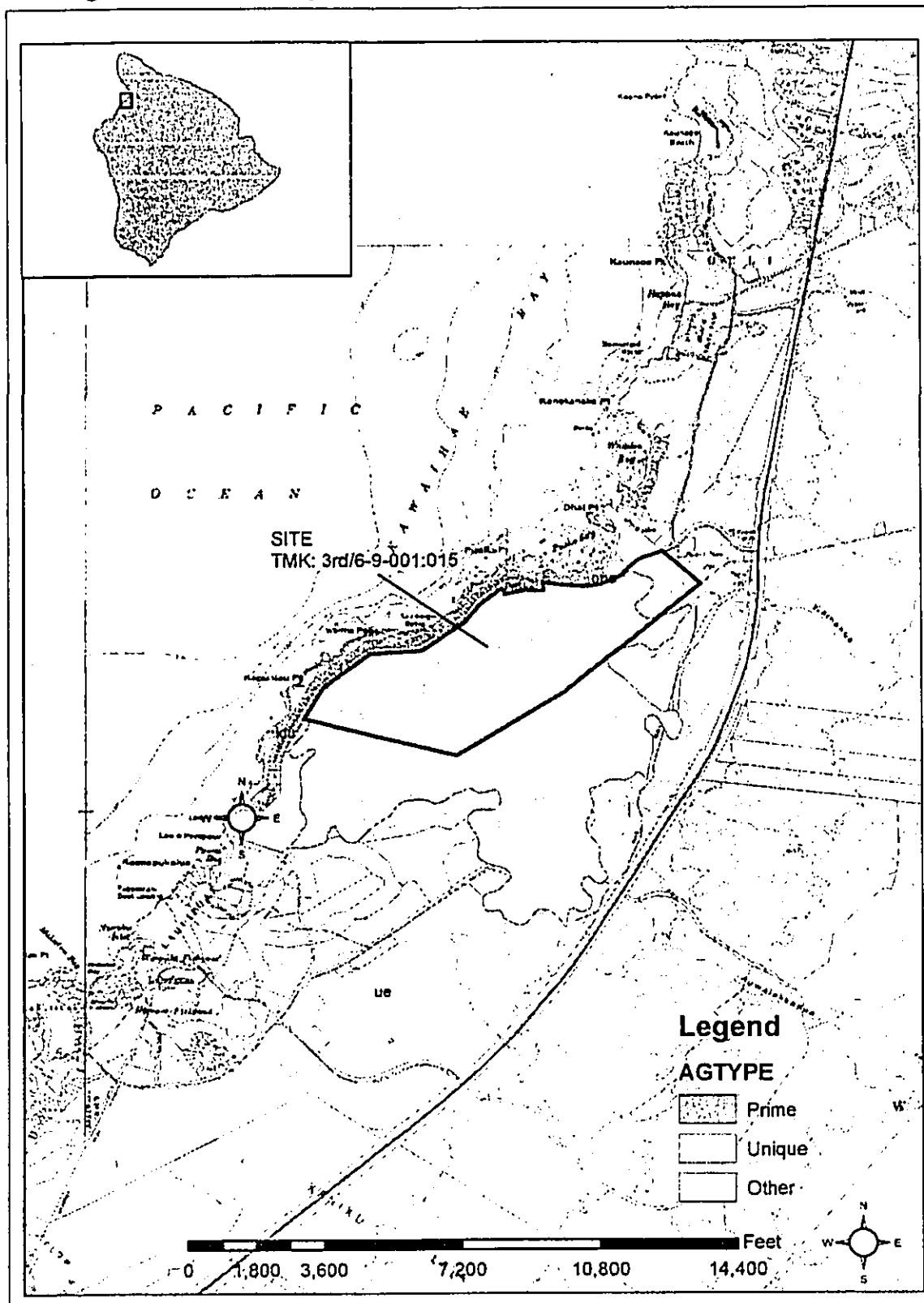
Beneficial impact-- the proposed use preserves and utilizes the existing kiawe forest. In this dry, hot barren area, the kiawe forest is an unirrigated green oasis that provides a cool microclimate unique in the State.

3.1.2 Topography & Soils

The relatively level Site is located near sea level at an approximate elevation of 40' above mean sea level. The Soil Survey Report classifies the soil as the Kamakoa very fine sandy loam, 0 to 10 percent slopes (KGC), which encompasses most of the kiawe forest.³ This soil type occurs in flood plains and consists of somewhat excessively drained very fine sandy loams that formed in recent alluvium. The Site is classified as part of the Agricultural Lands of Importance to the State in the category "Other" (see Figure 7). The Land Study Bureau overall productivity classification is Class E (Class A and B are considered prime agricultural land).

2. State of Hawaii, Department of Land and Natural Resources. *An Inventory of Basic Water Resources Data: Island of Hawaii*. Report R34, 1970.
3. U.S. Department of Agriculture, Soil Conservation Service. *Soil Survey of Island of Hawaii*. State of Hawaii, 1973, sheets 64 and 56.

FIGURE 7. Agricultural Lands of Importance to the State of Hawaii (ALISH) Map



Impacts and Mitigation

Beneficial impact-- the Applicant proposes to use the Site for an agricultural use, which is dependent on the natural kiawe forest vegetation that naturally thrives in this soil type and climate.

3.1.3 Natural Hazards

Flood and Coastal Hazards. Three drainageways intermittently flow into the Site: Kamakoa Gulch, an unnamed gulch, and Auwaiakeakua Gulch. As a result, according to the Flood Insurance Rate Map, a significant portion of the Site is within the 100-year AO special flood hazard zone (see Figure 8).⁴ Zone AO is characterized as areas where shallow flooding occurs during a 100-year storm with sheet flow depths within the Site up to 2'. A small portion of the Site may be in Zone AE coinciding with the outlet of the Kamakoa Gulch as it empties into the Site's flood plain.

A portion of the Site is within the tsunami evacuation zone (see Figure 9). An evacuation route for the Puako community traverses through the Site.

Volcanic and Earthquake Hazards. The United States Geological Survey (USGS) classifies the Site in Lava Flow Hazard Zone 8, on a scale of 1 to 9 with Zone 1 as the highest risk.⁵ Most of the area in Zone 8 along the slopes of Mauna Kea have not been affected by lava flows for the past 10,000 years. The Building Code designates the entire island of Hawaii in Earthquake Zone 3 and contains certain structural requirements to address the relative seismic hazards. No structures are planned by the Applicant.

Impacts and Mitigation

Beneficial impact-- the proposed use is a suitable use for a flood zone since it will not involve any structures and it preserves the flood retention functions of the kiawe forest. The proposed use will not affect the tsunami evacuation route which will remain open for emergency use.

3.1.4 Flora/Fauna

Based on studies for the neighboring parcel, there are no listed threatened or endangered federal or state species in the area.⁶ In general, the vegetation consists of kiawe and buffel grass. Of the fifteen bird species identified in the area, fourteen were alien species with the only indigenous species being the migratory Pacific golden plover. The identified mammals were all alien species (e.g., dogs, cats, mongoose, rats). The Hawaiian Hoary Bat, an endemic mammal, may overfly the area, as may the endangered Dark Rumped Petrel. However, the study concluded that the area, "does not provide resources necessary for the sustenance or nesting of native avian species."⁷

Impacts and Mitigation

None required. There are no threatened or endangered species. Nonetheless, the Applicant's proposed activities would preserve the habitat intact.

4. FEMA, Flood Insurance rate Map, panel numbers 155166 0277 C and 279 C, September 16, 1988.

5. Heliker, C. *Volcanic and Seismic Hazards on the Island of Hawaii*. U.S. Geological Survey, 1991.

6. Char, W. & Associates, Botanical Resources Assessment and Rana Productions, Ltd., A Survey of Avian and Mammalian Species, both studies prepared for Belt Collins & Associates for SMA application approved by the County as SMA Use Permit No. 415 for the golf course proposed by White Sand Beach Limited Partnership.

7. Ibid. (Rana Productions, Ltd.)

FIGURE 8. Flood Hazard Map

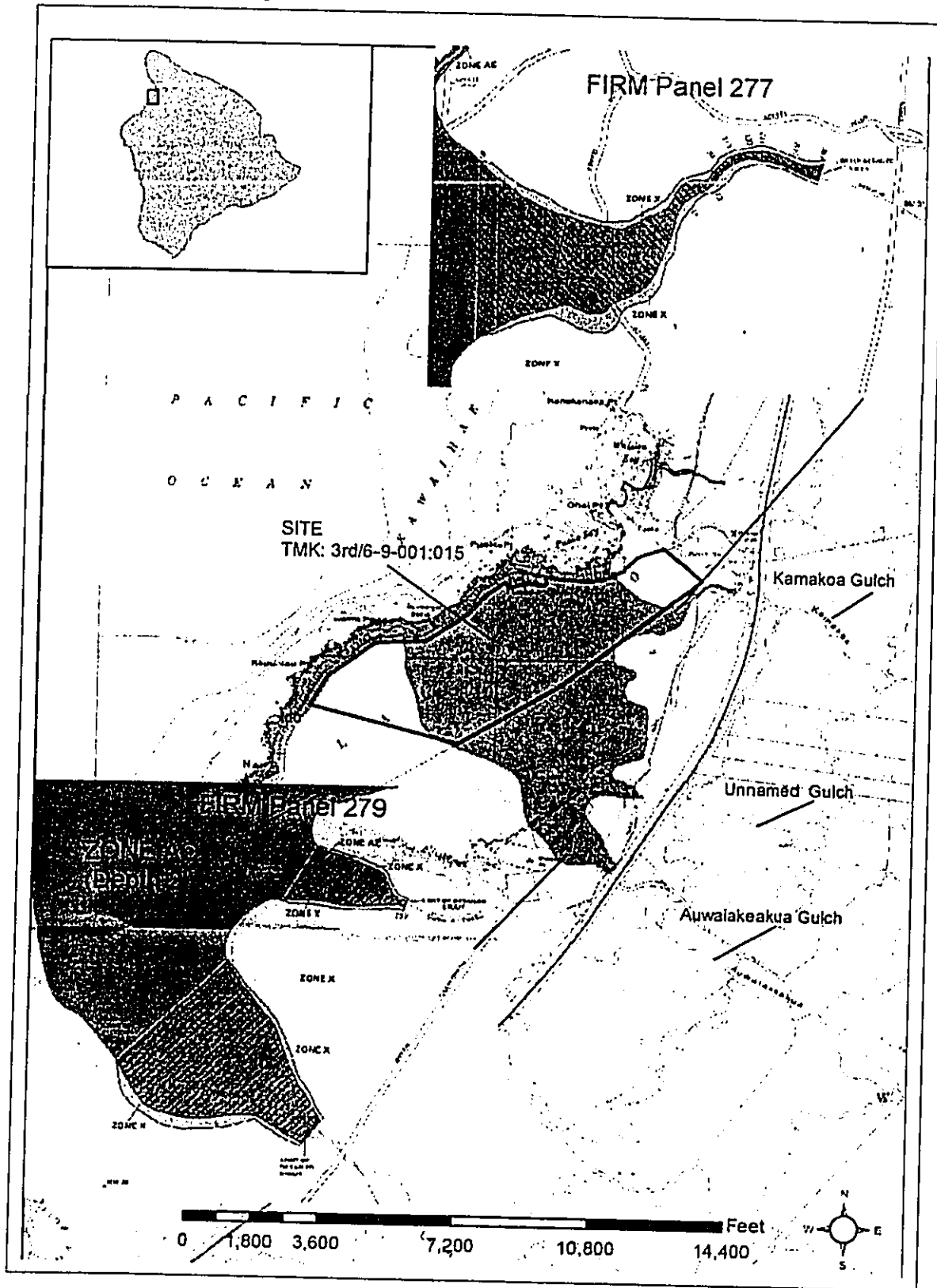
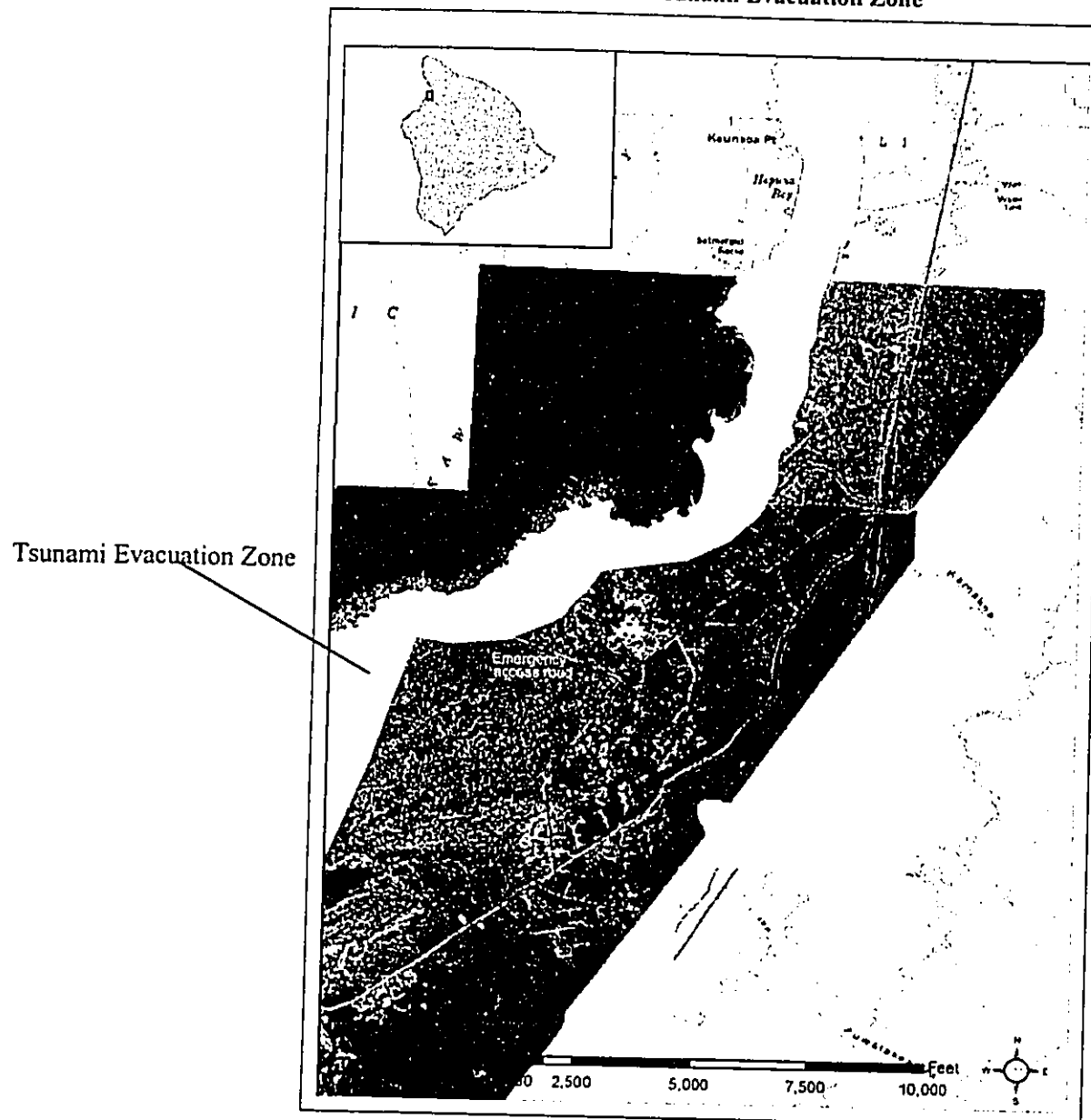


FIGURE 9. Tsunami Evacuation Zone



3.1.5 Water Resources

The State Department of Health has classified Puako Bay as Class AA "wet" open coastal waters. The "wet" classification means that the area receives more than 3.0 mgd of freshwater discharge per coastal mile. Although there are no stream discharges, groundwater discharge has been estimated at between 3.0 to 7.0 mgd according to several hydrologic studies done for the area. Water quality studies done in the bay indicate a relatively high inorganic nitrogen concentration. The fact that the nearshore reefs are not presently overgrown by macroalgae is due to either: a) sufficient nutrients are not reaching the bottom of the water column due to temperature-salinity stratification and/or uptake by phytoplankton (chlorophyll-a concentration is also relatively high); b) sufficient nutrients are reaching the bottom but for some reason are not being utilized by the coral reef algal community; or c) sufficient nutrients are reaching the bottom and are being utilized by macroalgae, but herbivore grazing is at a sufficiently high level to keep the algae in check even in the nutrient-enriched environment. Although it is not

known for certain which one or combination is the most correct explanation, evidence suggests alternative "c". Kiawe trees tap the groundwater and uptake nutrients. The Puako kiawe forest must play a major role in maintaining the nutrient balance, or at least preventing a worst situation. The sensitive balance could easily shift with overfishing of herbivores such as fishes and sea urchins, invasive alien seaweeds, or additional nutrient enrichment.⁸ With several golf courses existing or proposed in the watershed (e.g., Hapuna, Mauna Kea, Mauna Lani, Waikoloa, proposed White Sands Beach, proposed Bridge Puako, proposed Highlands Golf Estates at Waikoloa), additional nutrient load is highly likely.

Impacts and Mitigation

Beneficial impact. The kiawe forest helps to maintain the existing nutrient balance of the Puako Bay ecosystem, and could play a significant role to mitigate the increased nutrient input from proposed golf courses to sustain the Puako coastal water quality.

3.1.6 Historic/Archaeological Resources

Two historic trails traverse the area: one trail extended from the Puako coastal communities to the Waikoloa-Waimea uplands; the other extended from the Puako coast to Napu'u meeting the upland trail between Waimea and Kona. By the 1900s, use of the Puako-Waimea trail seems to have been discontinued. The Puako-Napu'u trail remained in use through the 1960s as part of the operations of the Puuwaawaa Ranch and Parker Ranch.⁹

Much of the area has been previously disturbed by the activities of the Puako Sugar Plantation. The mill was located at Puako Landing. Following the demise of the plantation around 1914, the land was used for pasture.¹⁰ An oldtimer of the area recalls honey being produced in Puako kiawe forest in the days of his youth.¹¹

Impacts and Mitigation

None Required. Since the Applicant will not clear any land, there would be no disturbance of any archaeological sites even if any were present. The Applicant's use will not prevent access to any of the historic trails.

3.1.7 Air Quality and Noise

The Applicant's organic operation does not utilize any pesticides or toxics. Except for possible well-drilling, there would be no construction dust or noise from the Applicant's operation.

Impacts and Mitigation

Beneficial impact. Forests help to maintain the ozone layer by producing oxygen and cleansing the air.

8. Teytaud, R. State of the Puako Reef 2000. Prepared for Protect Puako, January 2001.

9. Maly, K., A Historical Overview: Waikoloa Ma Kohala Hema, Hawaii (Waikoloa and Vicinity-- South Kohala, Island of Hawaii), October 23, 2000, prepared for Belt Collins Hawaii for the SMA application approved by the County of Hawaii as SMA Use Permit No. 415.

10. Ibid.

11. See Appendix B, letter from Kenneth Brown dated July 23, 2004.

3.1.8 Scenic and Recreation Resources

Since the Site will be preserved as a kiawe forest, the scenic qualities of the forest will be preserved. Multi-use of the Site for recreational hiking would not be foreclosed.

Impacts and Mitigation

Beneficial impact. The kiawe forest resource would be preserved for its scenic and recreational values.

3.2 Socioeconomic Characteristics

3.2.1 Cultural Impact

No impact anticipated. The cultural impact study conducted for the adjoining parcel did not identify cultural gathering or other cultural practices in the vicinity.¹² The scope of that study was the Puako ahupua'a which includes the Site. That study interviewed kupuna and other Native Hawaiian practitioners knowledgeable about the area. To further supplement that study in response to comments from the Office of Hawaiian Affairs (OHA), the Applicant consulted with OHA's local representative and an acknowledged Native Hawaiian cultural practitioner, Kaniela Akaka. This practitioner visited the Site and Applicant's current operations, expressed total support for the environmentally sensitive beekeeping practices, and concluded that the operations will not have any impact on cultural sites or practices within the Site. OHA reviewed Applicant's efforts and commended the Applicant for its consultation and sensitivity to the environment and culture.¹³

The Site is ceded land. Upon annexation, the Republic of Hawaii ceded its entire public domain, consisting primarily of crown and government lands, to the United States. Upon Statehood, the federal government returned approximately 1.3 million acres of ceded lands in the form of a public trust under the terms of the Admissions Act §5(f) for the following five purposes:

- support of public schools and other public education institutions;
- betterment of the conditions of Native Hawaiians;
- development of farm and home ownership on as widespread basis as possible;
- making of public improvements; and
- provision of land for public use.

Since promotion of farming is one of the five purposes of §5(f), the proposed apiary use of the Site is consistent with the public trust purposes of ceded lands. Nonetheless, the license or lease of the Site is not an irreversible conveyance and would not foreclose the use of the Site for any of the five purposes in the future. The State allocates 20% of revenues generated from ceded lands to the Office of Hawaiian Affairs in furtherance of the purpose relating to the betterment of Native Hawaiians under Hawaii Revised Statutes §10-13.5; such revenues include any rent paid by the Applicant.

12. Ibid.

13. See Appendix B, letter from OHA dated May 14, 2004, Applicant's response dated July 26, 2004, and OHA's response dated August 9, 2004.

3.2.2 Economic Impacts

Beneficial Impact. The proposed operations will generate employment in Ahualoa, a relatively economically-depressed area, and direct and indirect tax revenues from its employment, contracting, and purchasing activities. The national and international marketing of the Applicant's product enhances the profile of Hawaii's agricultural products.

3.2.3 Community Impact

The Puako community, which is located closest to the existing and proposed apiary operation, supports the Applicant's operation. The Puako Community Association has been apprised and has supported the operation since 1988. The association recognizes the operation as "a model for low impact, sustainable, value added, certified organic, diversified farming."¹⁴ A Puako church expressed interest in leasing a portion of the land that may be included in Applicant's lease or license. Applicant responded to the church that he would be willing to work with DLNR and the church to partition out the desired area at the appropriate time, but the decision and process is controlled by DLNR and not the Applicant.¹⁵

3.3 Public Facilities, Utilities, and Services

3.3.1 Roads and Traffic

No impact anticipated. The Applicant's operation will generally involve one daily trip by employees along Puako Road to access the Site.

3.3.2 Water System

No impact anticipated. No County water is required. The Applicant will truck in water for the pond from nearby sources-- an existing well located on the neighboring property or Mauna Lani golf course. Alternatively, in the long-term, the Applicant may drill a well as a water source to fill the pond required by the bees. The employees bring their own potable water.

3.3.3 Wastewater System

No impact anticipated. Portable toilets would be provided as necessary.

3.3.4 Drainage System

Beneficial impact. The kiawe forest retards and retains sheetflow runoff.

3.3.5 Electrical/Telephone

No impact anticipated. No electrical or communications improvements are necessary. Personnel will use cellular telephones.

3.3.6 Police & Fire Protection

No impact anticipated. The closest County fire station is the South Kohala Fire Station located approximately 3.5 miles from the Site along a paved County road. This fire station also provides

14. See letter dated January 23, 2004 in Appendix B.

15. See letter from Hokuloa United Church of Christ dated May 28, 2004 and Applicant's response dated July 22, 2004 in Appendix B.

emergency medical service. At the Applicant's invitation, fire officials toured the Site and existing operations and are prepared to respond to any emergencies.

3.4 Secondary and Cumulative Impacts

Beneficial impact. The preservation of the kiawe forest will provide an open space buffer to the cumulative resort development in the area.

4.0 RELATIONSHIP TO PLANS, POLICIES, AND CONTROLS

4.1 State Plan

The Project conforms with the objectives and policies of the Hawaii State Plan (Hawaii Revised Statutes chapter 226):

§226-23 Objectives and policies for the economy— agriculture. (a) Planning for the State's economy with regard to agriculture shall be directed toward achievement of the following objectives:

- (2) Growth and development of diversified agriculture throughout the State.
- (3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.
- (b) To achieve the agriculture objectives, it shall be the policy of this State to:
 - (2) Encourage agriculture by making best use of natural resources.
 - (9) Enhance agricultural growth by providing public incentives and encouraging private initiatives.
 - (12) Expand Hawaii's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.

§226-12 Objective and policies for the physical environment—land-based, shoreline, and marine resources. (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

- (1) Prudent use of Hawaii's land-based, shoreline and marine resources.
- (2) Effective protection of Hawaii's unique and fragile environmental resources.
- (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:
 - (1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
 - (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.
 - (5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.
 - (6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.
 - (7) Provide public incentives that encourage private actions to protect significant natural resources from degradation or unnecessary depletion.

The proposed project contributes to the expansion and diversification of Hawaii's agricultural base while providing an economic justification to protect this unique kiawe forest resource, which in turn protects the shoreline and marine resources.

4.2 State Land Use Law

The entire Site is in the Conservation district (see Figure 10). The State Department of Land and Natural Resources (DLNR) has jurisdiction over lands within the Conservation district. DLNR has established subzones within the Conservation district. The Site is in the General Subzone (see Figure 11). Commercial agricultural operations more than one acre require a permit issued by the Board of Land and Natural Resources together with a management plan and a public hearing.¹⁶ The Applicant has submitted a Conservation District Use Application.

The application is consistent with the following criteria for a Conservation District Use Permit:

1. The proposed land use is consistent with the purpose of the Conservation District;

The purpose of the Conservation District is to protect important natural resources such as watersheds, scenic and historic areas, open spaces that enhance the value of surrounding communities, permit uses not detrimental to a multiple use conservation concept, and prevent floods and soil erosion.¹⁷ The proposed apiary relies on the protection of the kiawe forest. The kiawe forest is an open space resource that enhances the Puako community and retains flood flows. The apiary would not foreclose compatible multiple use of the kiawe forest.

2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;

The objective of the General Subzone is "to designate open space where specific conservation uses may not be defined, but where urban use would be premature" and encompasses "lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing; including facilities accessory to these uses when the facilities are compatible with the natural physical environment."¹⁸ The proposed apiary is an agricultural use that requires less land disturbance than crop production. The beehives are placed among the kiawe trees. No groundclearing is necessary other than a small pond as a water source for the bees. No permanent structures will be constructed.

3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (FIRS), entitled "Coastal Zone Management," where applicable;

The Site is in the SMA and complies with the Coastal Zone Management objectives and policies (see Appendix A).

4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;

The proposed apiary will not cause any known adverse impact to the existing natural resources within the surrounding area. On the contrary, the proposed use provides additional economic justification to preserve the kiawe forest. The kiawe forest helps to protect the coastal water quality by uptaking nutrients and reducing surface floodflow to the coastal waters. The kiawe forest also provides an effective barrier for the Puako community from periodic brisk mauka winds and helps keep the fine soil from becoming airborne dust clouds.

16. Hawaii Administrative Rules §13-5-23 (permitted uses) and §13-5-40(a)(1) (public hearing requirement).

17. Hawaii Revised Statutes §205-2(c) and Hawaii Administrative Rules §13-5-1.

18. Hawaii Administrative Rules §13-5-14.

FIGURE 10. State Land Use Districts

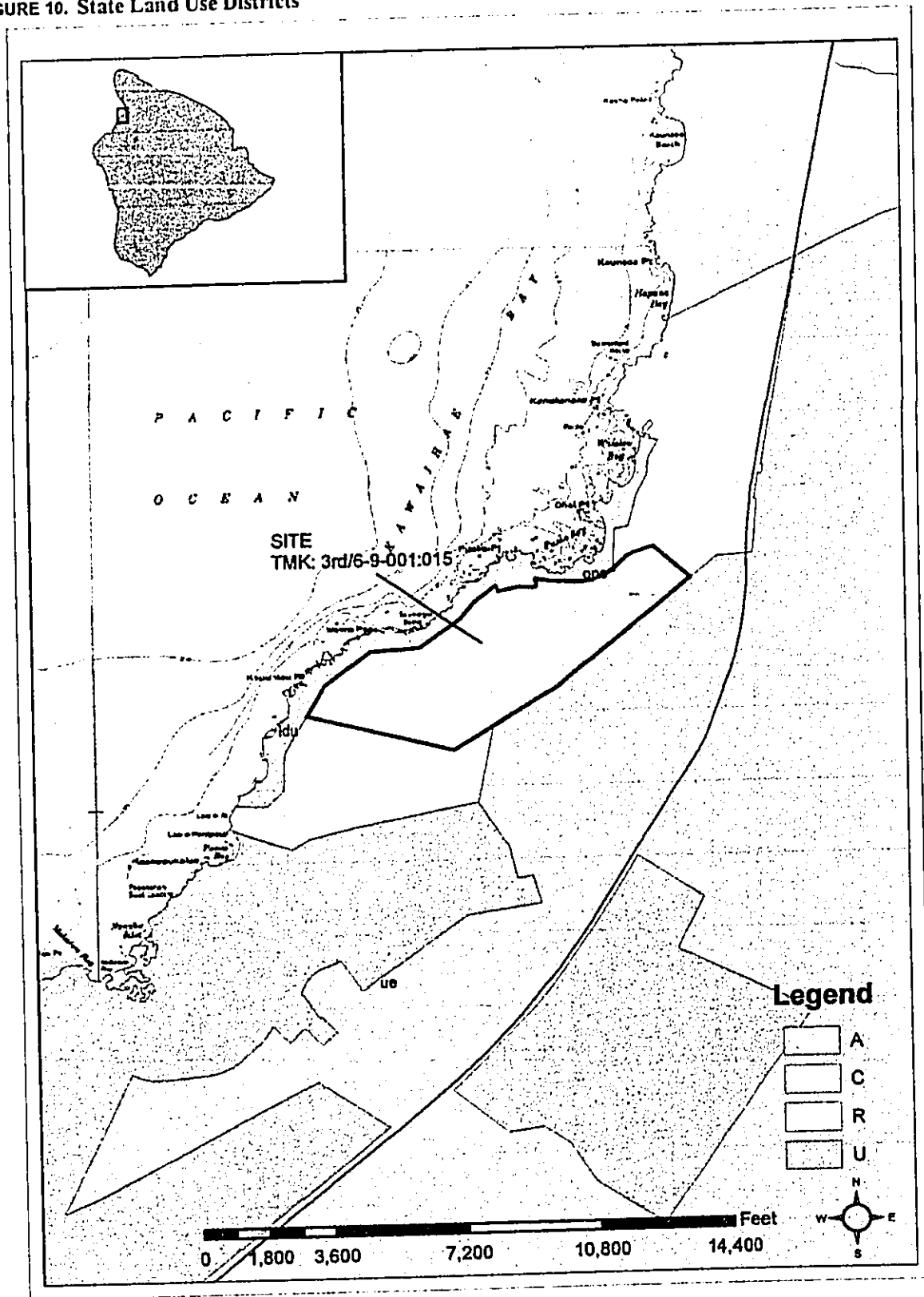
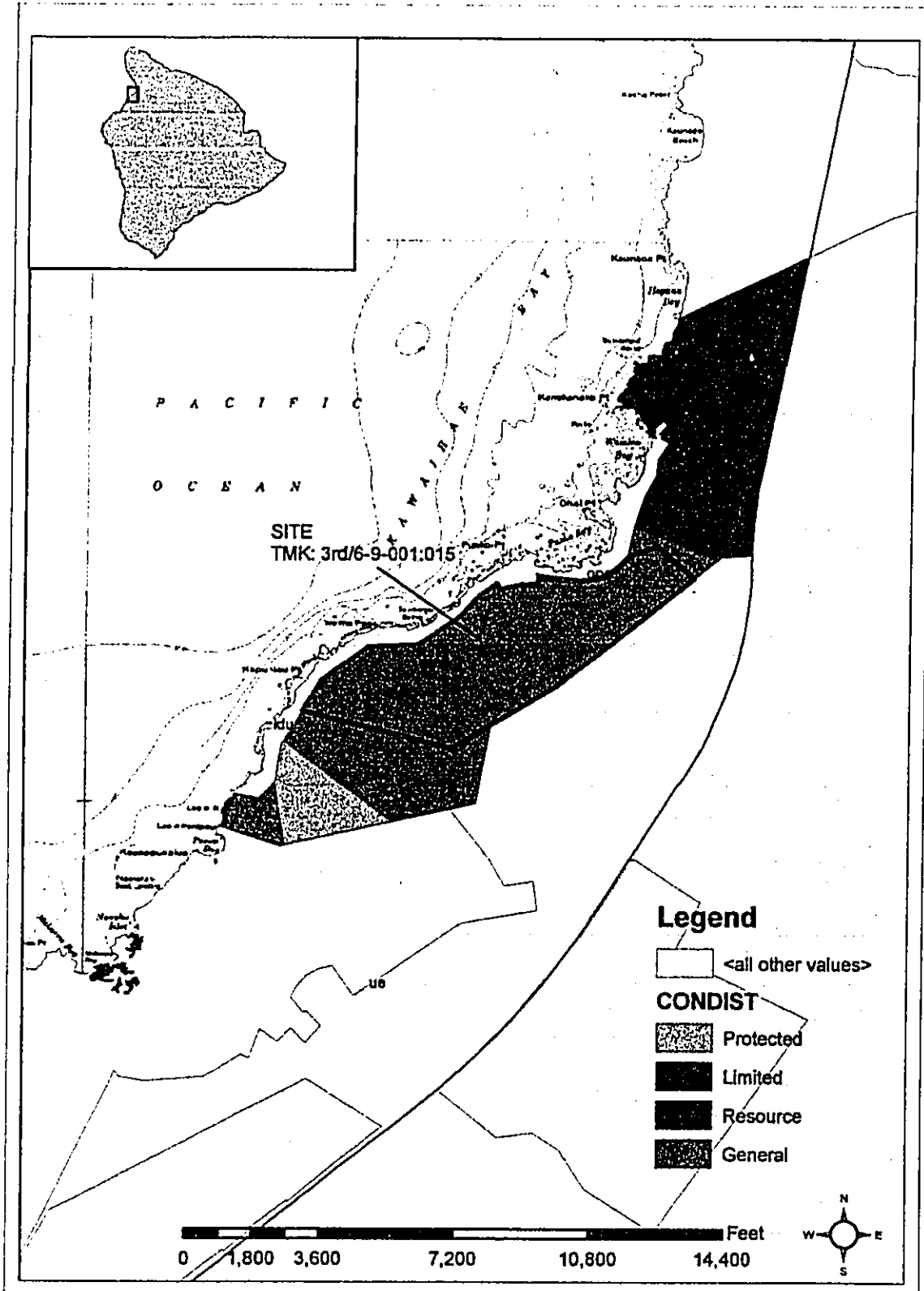


FIGURE 11. Conservation District Subzones



5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;

The proposed apiary is a very low-impact use, requiring no building or structures. The operation does not consume any resource, other than a possible future well that would draw minimal water for the shallow pond. The apiary is a harmonious symbiosis with the kiawe forest-- the bees pollinate the kiawe trees in the process of gathering nectar for the honey. The beehives will not be visible at all from the nearest public road (Puako Road).

6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;

The proposed apiary will preserve the existing kiawe forest.

7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District; and

No subdivision is proposed unless the State decides to lease separate portions of the Site, such as to separately delineate the kiawe forest from the balance of the Site. The Applicant has initially requested a revocable license that does not require any subdivision.

8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

The bees sting only if incited. Bees are not aggressive; they are defensive in the immediate area of their colony and sting only when they or their colony feel threatened. Generally, people may walk through the apiary or the kiawe forest without any fear of being stung. A condition of approval could require the Applicant to place a sign at the Site with emergency contact information should anyone from the public happen to get stung or hurt on the Site.

4.3 Coastal Zone Management

The Site is within the Special Management Area (SMA) (see Figure 12). However, because agricultural uses are not considered "development" within the meaning of the SMA rules, the Applicant has requested and received a determination of exemption from the County Planning Department conditioned on the understanding that the exemption is limited to the placement, maintenance, repair, and harvesting of the beehive boxes, that the beehive boxes are not stacked higher than six feet, and that any construction of other structures will require SMA review.¹⁹ The Project is consistent with the CZM objectives and policies (see Appendix A).

4.4 Hawaii County General Plan

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the Site is Open (see Figure 13). The objective of this designation is to maintain and/or enhance the conservation of needed or desired natural, scenic, or historical resources which might otherwise be permanently lost. The Site is a scenic resource and also a natural hazard (flooding) area.

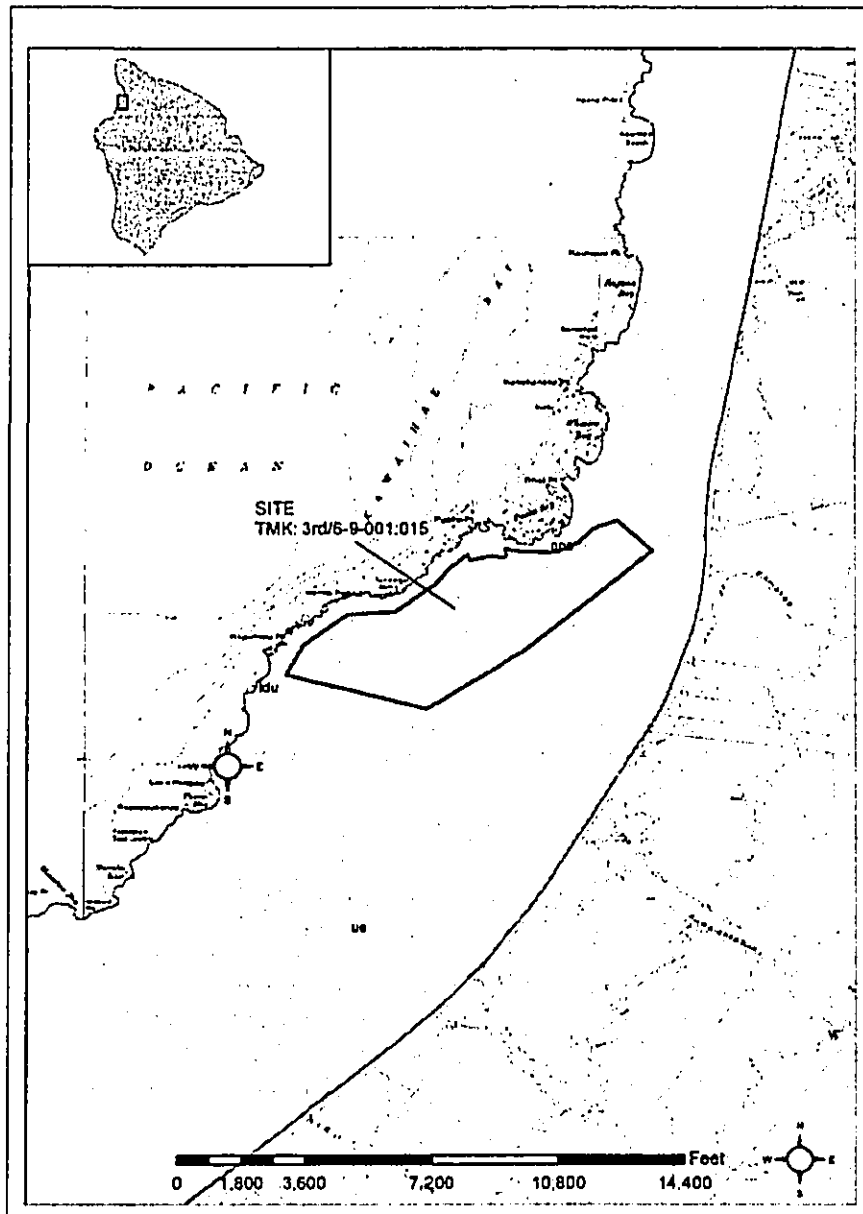
The Project implements the following General Plan goals and policies:

ECONOMIC

GOALS

¹⁹ County of Hawaii Planning Commission Rules of Practice and Procedure, Rule 9, section 9-4. See Planning Department's determination of exemption in letter dated 12/21/03 in Appendix B.

FIGURE 12. Special Management Area (SMA)



oEconomic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.

oThe County of Hawaii shall strive for diversity and stability in its economic system.

oThe County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

POLICIES

oThe County of Hawaii shall assist the expansion of the agricultural industry, especially diversified agriculture, through the protection of important agricultural lands, capital improvements and other programs, and continued cooperation with appropriate State and Federal agencies.

oThe County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

- oThe County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- oThe County of Hawaii's land, water, air, sea, and people shall be considered as essential economic resources for present and future generations and should be protected and enhanced through the use of economic incentives.
- oThe County shall strive for full employment.
- oThe County shall identify and encourage primary industries that are consistent with the social, physical, and economic goals of the residents of the County.
- oAn active liaison between the County and the private sector should be encouraged with respect to the County's requirements for establishing business on the island.
- oThe County shall promote a distinctive identity for the island of Hawaii to enable government, business and travel industries to promote the County of Hawaii as an entity separate and unique within the State of Hawaii.

STANDARDS

- oThe island of Hawaii should be developed into a unique scientific and cultural model. The island should become a model of living where economic gains are in balance with social and physical amenities. Development should be reviewed on the basis of total impact on the residents of the County, not only in terms of immediate short run economic benefits.
- oNew industries which provide favorable benefit-cost relationships to the people of the County should be encouraged. Benefit-cost relationships as used here include more than fiscal considerations.

The General Plan supports the protection of important agricultural lands which applies to the Site (see Figure 7 and discussion in Section 3.1.2 on page 11). The Applicant's unique kiawe honey is another signature product associated with the Big Island that is a model where economic gains strive to be in balance with the social and physical amenities.

NATURAL RESOURCES AND SHORELINE

GOALS

- oProtect and conserve the natural resources of the County of Hawaii from undue exploitation, encroachment and damage.
- oProvide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- oProtect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- oProtect rare or endangered species and habitats native to Hawaii.
- oProtect and effectively manage Hawaii's open space, watersheds, and natural areas.
- oEnsure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

POLICIES

- oThe County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.
- oThe County shall encourage a program of collection and dissemination of basic data concerning natural resources.
- oThe County shall coordinate programs to protect natural resources with other government agencies.
- oThe County shall promote sound management and development of Hawaii's land and marine resources for potential economic benefit.

oThe County shall encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.

oThe County shall encourage an overall conservation ethic in the use of Hawaii's resources by protecting, preserving, and conserving the critical and significant natural resources of the County of Hawaii.

oEncourage the use of native plants for screening and landscaping.

STANDARDS

The following shall be considered for the protection and conservation of natural resources.

oAreas necessary for the protection and propagation of specified endangered native wildlife, and conservation for natural ecosystems of endemic plants, fish and wildlife.

oLands necessary for the preservation of forests, park lands, wilderness and beach areas.

oLands with a general slope of 20% or more which provide open space amenities or possess unusual scenic qualities.

oLands necessary for the protection of watersheds, water sources and water supplies.

The preservation of the kiawe forest not only protects a significant open space resource, but also preserves the flood retention and nutrient absorption functions of the forest which in turn protects the coastal water quality. The kiawe forest also provides the Puako community with an effective barrier from periodic mauka winds and dust storms, as well as provides a cool shady micro-environment that is a haven for birds in an otherwise parched environment.

4.5 Hawaii County Zoning

Although the existing County zoning for the Site is Agriculture (A-5a) (see Figure 14), the County does not have jurisdiction in the State Land Use Conservation district.²⁰ Nevertheless, for discussion purposes the Zoning Code requires apiaries in the agricultural zone to be located 1000' from any major public street or any other zoning district on a site approved by the Department of Health and the Planning Director.²¹ The location of the Applicant's beehives is approximately 1100' from Puako Road and the nearest residential or resort zoning district. Even if not required, the Applicant has secured the approval of the Site from the Director and DOH (see Appendix B). The Applicant's existing site is within the agricultural district that is subject to the Zoning Code. Formal approval for this site as required by the Zoning Code was never obtained (there is no approval such as a building permit or plan approval required to establish an apiary that would have made the Applicant aware of such a requirement). If the Applicant is not successful to timely secure the necessary approvals to relocate the operations to the proposed Site, then the Applicant will do what is necessary to bring the existing site into compliance with the Zoning Code.

4.6 Other Permits and Approvals

Under the County's subdivision code, no subdivision approval will be necessary for a revocable license of a portion of the Site.²² If the Applicant decides to drill a well, a well-drilling permit will be required from the Department of Land and Natural Resources.

20. See pre-consultation letter from the Planning Department dated December 21, 2003 in Appendix B.

21. Hawaii County Code §25-5-72(a)(16).

22. Hawaii County Code §23-3 (a license is not a lease).

FIGURE 13. County of Hawaii General Plan Land Use Pattern Allocation Map

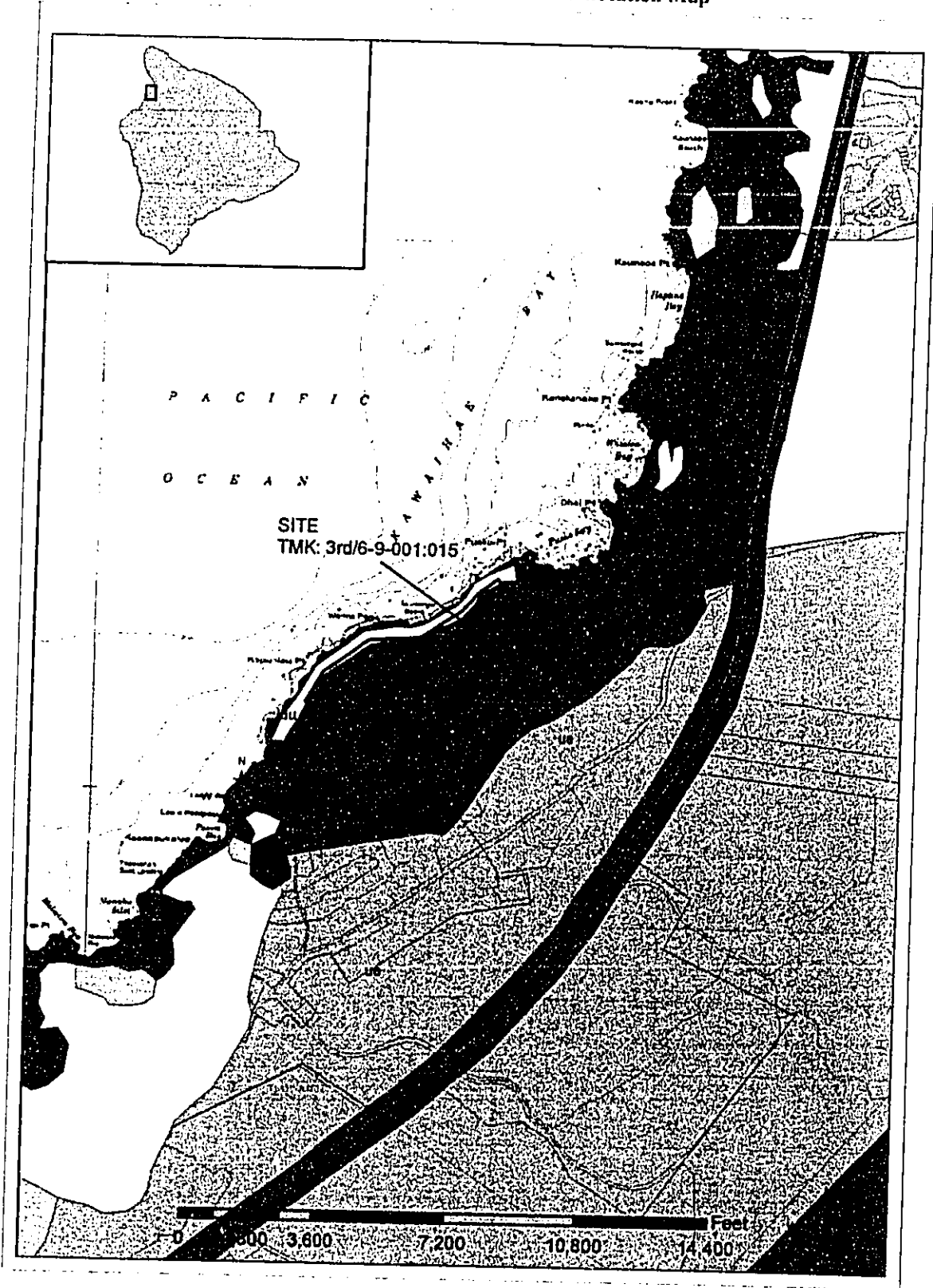
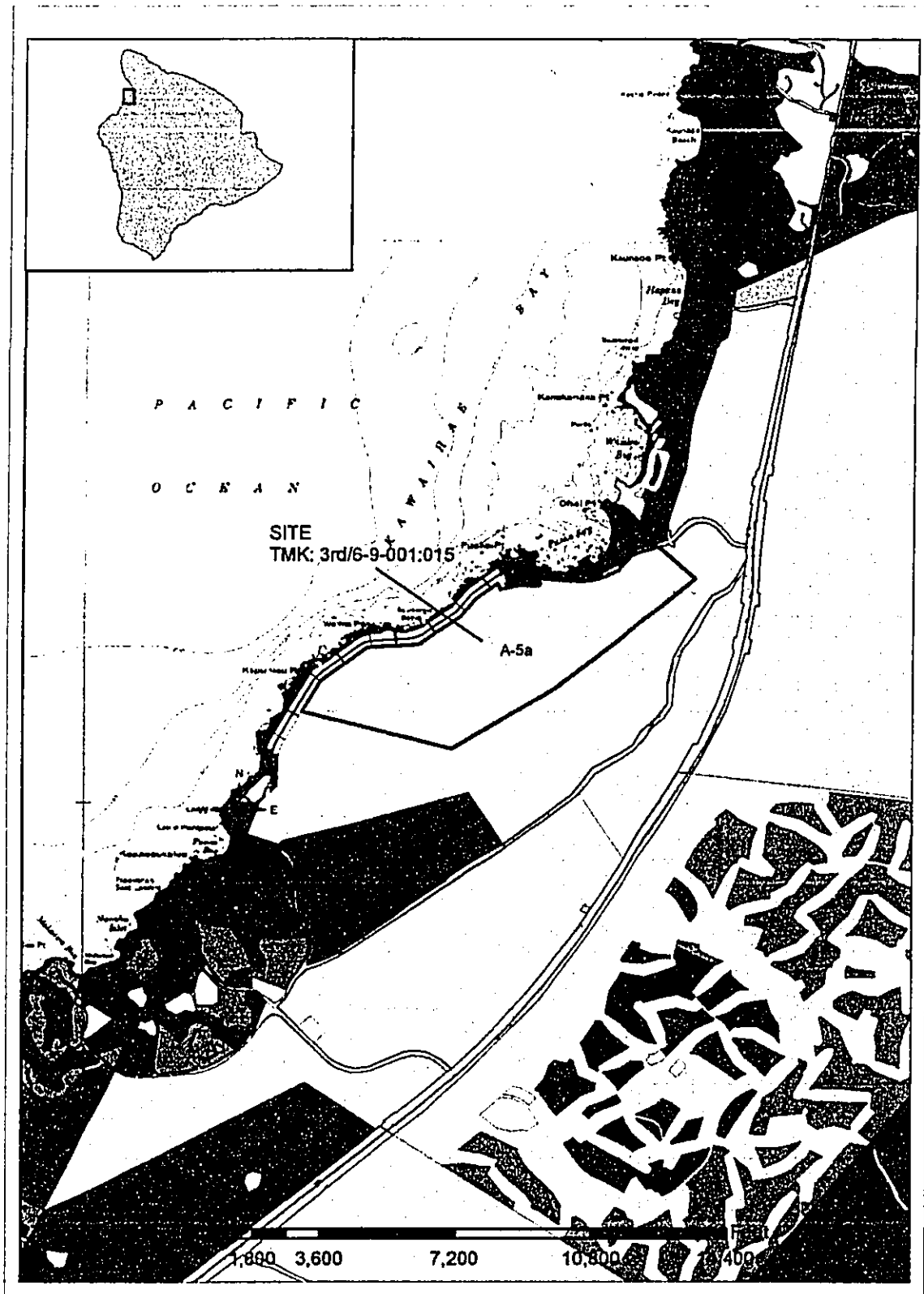


FIGURE 14. County of Hawaii Zoning



5.0 DETERMINATION WITH SUPPORTING FINDINGS AND REASONS

The proposed Project is not expected to cause significant impacts to the environment, pursuant to the significance criteria established by the Environmental Council as discussed below;²³ therefore, the determination is to issue a Finding of No Significant Impact.

The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources. The proposed apiary operation relies on the protection of the kiawe forest.

The proposed project will not curtail the range of beneficial uses of the environment. The Project will not curtail compatible multiple use of the Site such as cultural and recreational uses.

The proposed project will not conflict with the State's long-term environmental policies. The proposed Project will not conflict with the environmental policies set forth in the State Plan and Chapter 344, Hawaii Revised Statutes in that the Project will not damage sensitive natural resources nor emit noise or contaminants.

The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities. The Project will not induce population changes nor will it have undue impacts on public facilities; on the contrary, the Project preserves open space that limits the extent of resort growth in the area.

The proposed project will not involve a substantial degradation of environmental quality. The Applicant's operation is certified organic. The bees' pollination of the leguminous kiawe trees increases the health of the trees which in turn enhances the soil in which the trees grow.

The proposed project will not have cumulative impacts or involve a commitment for larger actions. The project is not part of any plans for larger actions.

The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. The Site is not a habitat for rare, threatened or endangered species (and even if they were, the bees would improve the habitat).

The proposed project will not detrimentally affect air or water quality or ambient noise levels. The proposed Project will not produce any point source air emissions. The Project will enhance air quality by preserving the forest. The forest's uptake of nutrients and retention of floodwaters protects the coastal water quality.

The proposed project is not located in an environmentally sensitive area (e.g., flood plain, tsunami zone, coastal area). The Project is a suitable non-structural use of a special flood hazard area.

The proposed project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies. The kiawe forest will be preserved as a scenic resource.

The proposed project will not require substantial energy consumption. Aside from fuel for the company vehicle (which could be fueled by biodiesel or recycled vegetable oil from restaurants in the

23. Hawaii Administrative Rules, §11-200-12.

near future), the proposed operations do not require substantial amounts of other forms of energy such as electricity. In fact, solar energy is used to clean away accumulated wax from the equipment.

6.0 REFERENCES

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A P P E N D I X A

**COASTAL ZONE MANAGEMENT
PROGRAM ASSESSMENT FORM**

HAWAII CZM PROGRAM
ASSESSMENT FORM

RECREATIONAL RESOURCES

Objective: Provide coastal recreational opportunities accessible to the public.

Policies

- 1) Improve coordination and funding of coastal recreation planning and management.
- 2) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - b) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - e) Encouraging expanded public recreational use of County, State, and Federally owned or controlled shoreline lands and waters having recreational value;
 - f) Adopting water quality standards and regulating point and non-point sources of pollution to protect and where feasible, restore the recreational value of coastal waters;
 - g) Developing new shoreline recreational opportunities, where appropriate, such as artificial reefs for surfing and fishing; and
 - h) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, County planning commissions; and crediting such dedication against the requirements of section 46-6.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Will the proposed action involve or be near a dedicated public right-of-way?	---	x ---
2. Does the project site abut the shoreline?	---	x ---
3. Is the project site near a State or County park?	---	x ---
4. Is the project site near a perennial stream?	---	x ---
5. Will the proposed action occur in or affect a surf site?	---	x ---
6. Will the proposed action occur in or affect a popular fishing area?	---	x ---
7. Will the proposed action occur in or affect a recreational or boating area?	---	x ---
8. Is the project site near a sandy beach?	---	x ---
9. Are there swimming or other recreational uses in the area?	---	x ---

Discussion

The Site does not abut the shoreline so it will not interfere with public access or restrict any shoreline recreational uses. The kiawe forest does ameliorate the coastal water quality by retaining flood waters and uptaking nutrients from the groundwater. The nearshore coastal waters are valued as recreational resources for swimming, diving, fishing, and surfing. The proposed use will not foreclose multi-use of the Site for hiking and other compatible recreational uses.

HISTORIC RESOURCES

Objective: Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies

- 1) Identify and analyze significant archaeological resources;
- 2) Maximize information retention through preservation of remains and artifacts or salvage operations; and
- 3) Support State goals for protection, restoration, interpretation, and display of historic resources.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Is the project site within a historic/cultural district?	_____	<u> x </u>
2. Is the project site listed on or nominated to the Hawaii or National register of historic places?	_____	<u> x </u>
3. Does the project site include undeveloped land which has not been surveyed by an archaeologist?	<u> x </u>	_____
4. Has a site survey revealed any information on historic or archaeological resources?	<u> x </u>	_____
5. Is the project site within or near a Hawaiian fishpond or historic settlement area?	_____	<u> x </u>

Discussion

The proposed apiary use does not involve any land-disturbing activity, except for a possible small pond as a water source for the bees. Archaeological and cultural studies for a proposed golf course on the adjoining parcel found no historic or cultural sites. The area was previously used for the Puako Sugar Plantation so much of the area was previously disturbed. The State Historic Preservation Division will be notified if any potential archaeological features are uncovered.

SCENIC AND OPEN SPACE RESOURCES

Objective: Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies

- 1) Identify valued scenic resources in the coastal zone management area;
- 2) Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
- 3) Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and
- 4) Encourage those developments which are not coastal dependent to locate in inland areas.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Does the project site abut a scenic landmark?	_____	_____x
2. Does the proposed action involve the construction of a multi-story structure or structures?	_____	_____x
3. Is the project site adjacent to undeveloped parcels?	_____x	_____
4. Does the proposed action involve the construction of structures visible between the nearest coastal roadway and the shoreline?	_____	_____x
5. Will the proposed action involve construction in or on waters seaward of the shoreline? On or near a beach?	_____	_____x

Discussion

The proposed commercial apiary operations will not involve the construction of structures. The proposed operations will preserve the open space and scenic values of the kiawe forest.

COASTAL ECOSYSTEMS

Objective: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

Policies

- 1) Improve the technical basis for natural resource management;
- 2) Preserve valuable coastal ecosystems of significant biological or economic importance;
- 3) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land water uses, recognizing competing water needs; and
- 4) Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate State water quality standards.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Does the proposed action involve dredge or fill activities?	___	___ x
2. Is the project site within the Shoreline Setback Area (20 to 40 feet inland of the shoreline)?	___	___ x
3. Will the proposed action require some form of effluent discharge into a body of water?	___	___ x
4. Will the proposed action require earthwork beyond clearing and grubbing?	___	___ x
5. Will the proposed action include the construction of special waste treatment facilities, such as injection wells, discharge pipes, or cesspools?	___	___ x
6. Is an intermittent or perennial stream located on or near the project site?	___	___ x
7. Does the project site provide habitat for endangered species of plants, birds, or mammals?	___	___ x
8. Is any such habitat located nearby?	___	___ x
9. Is there a wetland on the project site?	___	___ x
10. Is the project site situated in or abutting a Natural Area Reserve?	___	___ x

- | | | |
|--|-----|----------|
| 11. Is the project site situated in or abutting a Marine Life Conservation District? | --- | <u>x</u> |
| 12. Is the project site situated in or abutting an estuary? | --- | <u>x</u> |

Discussion

The Site is a non-native kiawe forest that is not a habitat for native plant and animal species. There are no known endangered or threatened species within the Site. As discussed under the recreational policies, the kiawe forest plays a vital role in protecting the nearshore coastal water quality by retaining flood waters and uptaking nutrients from the groundwater. The proposed apiary use will not require clearing and grubbing-- the beehive boxes will be placed among the trees. The only land-disturbing activities include the digging of a small shallow pond as a water source for the bees. Later, a shallow well may be drilled to fill the pond-- a well drilling permit will be secured at the time. The withdrawal rates of the well would be very small, just enough to fill the small pond.

ECONOMIC USES

Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies

- 1) Concentrate in appropriate areas the location of coastal dependent development necessary to the State's economy;
- 2) Insure that coastal dependent development such as harbors and ports, visitor industry facilities, and energy generating facilities are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
- 3) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - a) Utilization of presently designated locations is not feasible;
 - b) Adverse environmental effects are minimized; and
 - c) Important to the State's economy.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Does the project involve a harbor or port?	___	<u>x</u>
2. Is the project site within a designated tourist destination area?	___	<u>x</u>
3. Does the project site include agricultural lands or lands designated for such use?	<u>x</u>	___
4. Does the proposed activity relate to commercial fishing or seafood production?	___	<u>x</u>
5. Does the proposed activity relate to energy production?	___	<u>x</u>
6. Does the proposed activity relate to seabed mining?	___	<u>x</u>

Discussion

The State's Agricultural Lands of Importance to the State of Hawaii (ALISH) includes the Site as "other" important agricultural lands. The Applicant's organic honey product is internationally recognized and further distinguishes Hawaii's agricultural industry. The Site is uniquely suited to the Applicant's distinguished honey product (see EA section 2.3 for details on the Site's unique suitability).

COASTAL HAZARDS

Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, and subsidence.

Policies

- 1) Develop and communicate adequate information on storm wave, tsunami, flood erosion, and subsidence hazard;
- 2) Control development in areas subject to storm wave, tsunami, flood, erosion, and subsidence hazard;
- 3) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
- 4) Prevent coastal flooding from inland projects.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Is the project site on or abutting a sandy beach?	—	x
2. Is the project site within a potential tsunami inundation area as depicted on the National Flood Insurance Program flood hazard map?	—	—
3. Is the project site within a potential flood inundation area according to a flood hazard map?	—	—
4. Is the project site within a potential subsidence hazard area according to a subsidence hazard map?	—	x
5. Has the project site or nearby shoreline areas experienced shoreline erosion?	—	x

Discussion

The kiawe forest is entirely within the FIRM special flood hazard area (AO). Three gulches with intermittent flow drain into the kiawe forest. Since the proposed apiary has no structures, it is an ideal use of this floodprone area. The beehive boxes are raised off the ground; even if washed away, the relatively small boxes do not pose a debris safety hazard and the trees would obstruct the boxes from moving very far. Although the Site is not in the FIRM's VE zone, a portion of the Site is within the tsunami evacuation zone. An emergency evacuation route traverses the Site, but is located at the very outer fringe of the kiawe forest. The proposed use will not interfere with the continued use of this emergency route.

MANAGING DEVELOPMENT

Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies

- 1) Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;
- 2) Facilitate timely processing of application for development permits and resolve overlapping or conflicting permit requirements; and
- 3) Communicate the potential short- and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the general public to facilitate public participation in the planning and review process.

Check either "Yes" or "No" for each of the following questions.

	<u>Yes</u>	<u>No</u>
1. Will the proposed activity require more than two (2) permits or approvals?	_____	_____x
2. Does the proposed activity conform with the State and County land use designations for the site?	_____x	_____
3. Has or will the public be notified of the proposed activity?	_____x	_____
4. Has a draft or final environmental impact statement or an environmental assessment been prepared?	_____x	_____

Discussion

The environmental assessment and Conservation District Use Application will notify the public of the project and provide opportunities for comment.

PUBLIC PARTICIPATION

Objective Stimulate public awareness, education, and participation in coastal management

Policies

- 1) Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program,
- 2) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal-related issues, developments, and government activities, and
- 3) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts

Discussion

Not applicable to the Project since the objectives and policies seem directed to public agencies involved with overall coastal zone management responsibilities.

BEACH PROTECTION

Objective: Protect beaches for public use and recreation

Policies

- 1) Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion,
- 2) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities, and
- 3) Minimize the construction of public erosion-protection structures seaward of the shoreline

Discussion

The Project is located inland of the shoreline setback area. The Project does not involve any shoreline construction or erosion-protection structures.

MARINE RESOURCES

Objective Implement the State's ocean resources management plan

Policies

- 1) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources,
- 2) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial,
- 3) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency.
- 4) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone.
- 5) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources, and
- 6) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources

Discussion

The Project does not propose to use any marine resources.

APPENDIX B

COMMENT LETTERS AND RESPONSES

Comments received during the Pre-Consultation and Draft EA Comment Period are listed below.

	No Comment (no response required)	Support (no response required)	Substantive Comment (response required; incorporated into Final EA)
Agencies			
Office of Environmental Quality Control			X
DLNR DOCARE			X
DLNR Hawaii District Land Agent			X
Office of Hawaiian Affairs			X
Planning Dept			X
Dept of Health			X
Corps of Engineers	X		
Dept of Transportation	X		
Fire Dept	X		
Police Dept	X		
Elected Officials			
Councilman Elarionoff			X
Councilman Holshuh		X	
Public			
Hokuloa United Church			X
Kenneth Brown		X	X
Mauna Lani		X	
Shekinah McCloud		X	
Leon Thevenin		X	
Whole Foods		X	
Puako Community Association		X	

LINDA LINDLE
GOVERNOR OF HAWAII



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

288 SOUTH PULOHUA STREET
HONOLULU, HAWAII 96813
PHONE: (808) 586-4185
FACSIMILE: (808) 586-4185
E-mail: oeqc@hawaii.gov

June 22, 2004

Mr. Richard Spiegel
Volcano Island Honey
46-4013 Puuono Road
Honokaa, Hawaii 96727

Mr. Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources, State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Messrs. Spiegel and Lemmo:

The Office of Environmental Quality Control has reviewed your draft environmental assessment for the Puako Kiawe Forest Apiary, Tax Map Key (3") 6-9-001, portion of IS, situated at Lalaimo in the judicial district of South Kohala and offers the following comment for your consideration and response.

1. **Water Well:** Page 8 of the draft environmental assessment notes that "... the Applicant may drill a shallow well onsite and seek the proper permits at the time." Please consult with the Commission on Water Resource Management of the Department of Land and Natural Resources for requirements for well drilling. Also, a separate environmental assessment for an exploratory well may be required - please refer to the "Water Well guidance document contained in "A Guidebook to the Hawaii State Environmental Review Process" found online at <http://www.state.hi.us/health/oeqcc/index.html>.

Thank you for the opportunity to comment. If there are any questions, please call Mr. Leslie Segundo, Environmental Health Specialist, at (808) 586-4185.

Sincerely,

Genevieve Salomonson
GENEVEVE SALMONSON
Director

Rec'd 6/24/04

GENEVEVE SALMONSON
DIRECTOR



Office of the Director of Environmental Quality Control

August 11, 2004

Genevieve Salomonson
Director
State of Hawaii
Office of Environmental Quality Control
235 S. Beretania St., Ste. 702
Honolulu, HI 96813

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3"/6-9-001-015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Ms. Salomonson,

This is in response to your letter of June 22, 2004. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

Thank you for taking the time to comment. To reply to your specific comment:

1. **Water Well:** At this time we have no plans to apply for a permit to drill a shallow well to provide water for the bees. Our current plans are to create a small, shallow pond in a natural depression, no more than 36 inches deep, with a pond liner to provide a (hailed-in) water source for the bees. The water will be hauled from a well on land formerly owned by Mauna Lani Resort, now owned by Puuoa Beach Development or from the Mauna Lani Resort golf course. The superintendent of the course said, if we needed, he would supply the small amount of water required for the bees.

VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail: richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

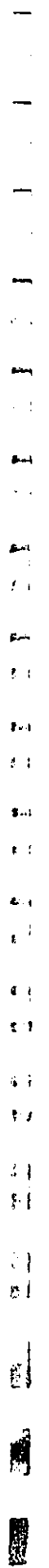
If we decide at some point to apply to drill a well we will consult with the Commission on Water Resource Management of the Department of Land and Natural Resources for the requirements for well drilling. At that time, we will also refer to the Water Well guidance document in "A Guidebook to the Hawaii State Environment Review Process."

Please call or email me if you have further questions in the future.

Sincerely,

Richard Spiegel, Owner

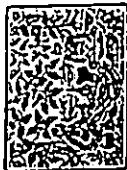
cc: Mr. Peter Young, Director, Department of Land and Natural Resources



RECEIVED AS FOLLOWS

VOLCANO ISLAND HONEY COMPANY

48 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 - Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com



State of the Aloha State

August 10, 2004

State of Hawaii
Division of Conservation and Resource Enforcement

ATTN: Mr. Ed Lewis #181
1151 Punchbowl St., Rm 311
Honolulu, HI 96813

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3'76-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Lewis,

This is in response to your DOCARE-18 form of April 14, 2004. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment.

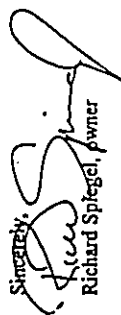
Per instructions from DLNR, now that the comment period has ended, I am responding to your comment. We are now preparing the Final Environmental Assessment.

Thank you for taking the time to comment.

To reply to your specific comment:

When our application is approved and when we move the bees onto the site, I will post a sign at the apiary site notifying the public of the bee's presence in the area. I will include a contact number in case of an emergency.

Please call or email me if you have any questions in the future.

Sincerely,

Richard Spiegel, owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

DOCARE-18	3186-HA
VOLCANO ISLAND HONEY	
RICHARD SPIEGEL, ECR 773.1000	
TMK: (3) 6-9-001:015, DALAMHILO, SOUTH KOHALA, HAWAII	
PUAKO KIATIE FOREST APIARY	
APPLICANT PROPOSES TO LICENSE OR LEASE LAND FROM DLNR TO ESTABLISH AN APIARY IN AN EXISTING GAME FOREST.	
HAWAII	4/14/2004
REVIEW THE ATTACHED APPLICATION AND COMMENT WITH RESPECT TO DOCARE'S CURRENT AND FUTURE PROGRAMS. NO SITE INSPECTION IS NEEDED. IF NO RESPONSE IS RECEIVED, LAND DIVISION WILL ASSUME THAT THERE ARE NO COMMENTS	
HA-04-1319	05-17-05
05-17-04	None
Writer reviewed the C.D.U.A. and had a question regarding the posting of signs in notifying the public of the bee presents in the area. A contact number of an emergency sign posted at the entrance and at the colony hives.	
HAWAII	
A 11: 15	
CLOSED - DEFERRED - LAND DIVISION	

2nd submitted - new due date is 10-1-04

Wesley T. Matsumaga/DLNR/STAIRHIU

To: Kimberly Mills/DLNR/STAIRHIUS6/STAIRHIUS

cc: Harry M Yada/DLNR/STAIRHIUS6/STAIRHIUS

bcc:

Subject: Conservation District Use Application HA-3186; Volcano Island Honey

Good morning Tiger!

Although we had previously submitted a response of no objections to the proposed draft environmental assessment, we realize that we failed to mention our concerns about the proposed access to the Apiary site.

The subject Puako Kiawe Forest experienced some major flooding (1/23/04) just before the draft EA was prepared. The access road mentioned in the draft EA was severely damaged in the flooding, and is currently impassible. What was once a fairly decent gravel/dirt road, is now a remnant of a 8-foot wide, 3-foot deep, rock filled streambed. We suspect that the EA must now address this situation/condition, as the roadway must be repaired if it is to be utilized as an access for the proposed Puako Kiawe Forest Apiary.

It is suspected that the subject roadway acted as a flood channel through the Kiawe forest, which directed the flow of the flood waters to the Puako Beach Road and adjacent private properties. Due to the damage caused to the private properties, the current access road alignment may no longer be a preferred or reasonable alignment for liability concerns.

Please give me a call should you have any questions. Mahalo!



Office of the Attorney General of Hawaii

VOLCANO ISLAND HONEY COMPANY

48-4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 Fax: (808) 775-0412
E-mail: richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

August 9, 2004

Mr. Harry Yada,
District Land Agent
State of Hawaii

Department of Land and Natural Resources
75 Aupuni St, Rm 204
Hilo, HI 96720

ATTN: Wesley Matsumaga

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 376-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Yada,

This is in response to your letter of May 7, 2004. I was advised by DLNR in Honolulu not to respond to any letters until I received all comments on the Draft Environmental Assessment. Per instructions from DLNR, now that the comment period has ended, I am responding to your letter.

We are now preparing the Final Environmental Assessment.

Thank you for taking the time to comment.

To reply to your specific comments:

The access road referred to in the CDUA and Draft EA that your letter refers to as having been "severely damaged in the flooding" (of 1/23/04) and is currently impassible" has been repaired and is now a wide flat dirt road and more than serviceable as an access road to the proposed apiary site.

Please call or email me if you have further questions in the future.

Sincerely,

Richard Spitzer, Owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

RECEIVED AS FOLLOWS

PHONE (808) 594-1865

FAX (808) 594-1865



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

Rec'd 5/12/04

May 14, 2004

Richard Spiegel, Owner
Volcano Island Honey
40-4013 Puuono Road
Honokaa, HI 96727

HRD04-1242B

Subject: Draft Environmental Assessment (DEA) and Conservation District Use
Application HA-3186, Puako Kiawe Forest Aply, Lalamilo, South Kohala
District, Hawaii, TMK: (3) 6-9-01:15

Dear Mr. Spiegel:

Thank for your letter received by the Office of Hawaiian Affairs (OHA) on May 3, 2004 regarding the Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for the Puako Kiawe Forest Aply, located on 550 acres at Lalamilo, South Kohala District, Hawaii, TMK: (3) 6-9-01:15. Your letter requests that the Office of Hawaiian Affairs (OHA) review and comment on the proposed project.

Flora/Fauna

The DEA notes based on studies for the neighboring parcel, there are no listed threatened or endangered federal or state species in the area, and the vegetation in the area "consists of kiawe and buffel grass." Additionally, the DEA indicates, "the Hawaiian Hoary Bat, an endemic mammal, may overfly the area, as may the endangered Dark Rumped Petrel."

Cultural Impacts

The DEA indicates, "No impact anticipated. The cultural impact study conducted for the adjoining parcel did not identify cultural gathering or other cultural practices in the vicinity."¹ However, given the historic trails that have been identified on the site (noted in detail below) it will still be necessary to prepare a cultural impact statement (also described below) and consult with native Hawaiian practitioners.

Ceded Land

The DEA also notes the site is ceded land. As a consequence, the DEA notes, "since promotion of farming is one of the five purposes of §5(f) (the Admissions Act), the proposed aply use of the Site is consistent with the public trust purposes of ceded lands. Nonetheless, the license of lease of the Site is not an irreversible conveyance and would not foreclose the use of the Site for any of the five purposes in the future. The State allocates 20% of revenues generated from ceded lands to the Office of Hawaiian Affairs in furtherance of the purpose relating to the betterment of Native Hawaiians under Hawaii Revised Statutes §10-13.5; such revenues include rent paid by the Applicant."

As a consequence, OHA is entitled to 20% of any lease of the land for the proposed purpose use of state (Conservation District lands) for the Puako Kiawe Forest Aply for Volcano Island Honey Co., a sole proprietorship.

Cultural Impacts/Historic/Archaeological Resources

The DEA indicates, "Two historic trails traverse the area: one trail extended from the Puako coastal communities to the Waikoloa-Waimea uplands; the other extended from the Puako coast to Napu'u meeting the upland trail between Waimea and Kona. By the 1900s, use of the Puako-Waimea trail seems to have been discontinued. The Puako-Napu'u trail remained in use through the 1960s as a part of the operations of Puuwaawaa Ranch and Parker Ranch." Despite the impacts that ranching may have had on the historic trails, it would be appropriate to conduct a cultural impact statement (CIS).

The Final EA must include a substantive cultural impact statement (CIS) based on consultation with the Native Hawaiian community, as required by Act 50, Session Laws of Hawaii 2000.

The CIS must identify and describe the cultural practices located within the potentially affected area; assess the impact on these practices; examine alternatives to the proposed action; and propose mitigation measures if needed.

¹The DEA cites the following study, Maly, K., A Historical Overview: Waikoloa Ma Kohala Hema, Hawaii (Waikoloa and Vicinity—South Kohala, Island of Hawaii), October 23, 2000, prepared for Brett Collins Hawaii for the SMA application approved by the County of Hawaii as SMA Use Permit No. 415.


It is also recommended that the project developers consult with Native Hawaiian practitioners (individuals and organizations) to determine the impact of the proposed project on cultural practices. As a consequence, despite the impacts to the project site and the area, in accordance with the Chapter 343, HRS and HAR §11-200-10, Contents of an environmental assessment, "the proposing agency or approving agency shall prepare any draft or final environmental assessment of each proposed action and determine whether the anticipated effects constitute a significant effect in the context of chapter 343, HRS, and §11-200-12", the project developer (Richard Spiegel, Owner of Volcano Island Honey) should consult with the following Community Affairs Coordinator for OHA, who will advise your organization of the appropriate native Hawaiian community members or practitioners to contact regarding the historic trails (and other native Hawaiian issues):

- Ruby McDonald
75-5706 Hanama Place, Suite 107
Kailua-Kona, HI 96740

Steps should also be taken to locate other Native Hawaiians and organizations in the project vicinity.

If you have questions or concerns please contact Matthew Myers, Policy Advocate at 594-1945 or matthewm@oha.org.

‘O wau iho nō,



Clyde W. Nāmu‘o
Administrator



VOLCANO ISLAND HONEY COMPANY

49 - 4013 Pūsono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail: richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

Gift of the Gods of Hawaii

July 26, 2004

Mr. Clyde W. Nāmū'ō
Administrator
State Of Hawaii, Office of Hawaiian Affairs
711 Kapi'olani Blvd, Suite 500
Honolulu, HI 96813

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puakō Kiawe Forest Apiary (TMK: 376-9-001-015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Nāmū'ō,

In response to your letter of May 14, 2004 I have taken the steps that you recommended. I have spoken and met with Kaniela Akaka, a highly respected native Hawaiian practitioner and Director of Cultural Affairs at the Mauna Lani Resort. I have spoken with Ruby McDonald, Community Affairs Coordinator for Office of Hawaiian Affairs (OHA) in Kona. I have conferred with Matthew Myers, Policy Advocate for OHA.

Ms. McDonald concurred that Mr. Akaka is the appropriate practitioner with whom to consult, stating that he is, in fact, the Kahu for the Kāluhiupua'e-Puakō area. She also spoke with Mr. Akaka after he met with me and agrees with his assessment, not only that there will be no cultural impact, but that beekeeping in the area has been practiced for over 100 years, and just in terms of longevity can be considered, in certain sense, traditional.

Mr. Myers expressed satisfaction with the endorsement by Kaniela Akaka and feels that the steps I have taken adequately respond to the concerns of OHA.

Kaniela Akaka, as I am sure you know, is the acknowledged native Hawaiian cultural practitioner "within the potentially affected area". Mr. Akaka visited Volcano Island Honey Co.'s current apiary in the Puakō Kiawe forest, as well as the proposed apiary site, also within the Puakō Kiawe forest. We spent several hours in the Puakō forest.

Mr. Akaka expressed the opinion that Volcano Island Honey Co. is a business that is sensitive to the *āina* and conducts business in a conscious way that fits right into the forest with no impact. He expressed "total support" for the beekeeping practices of VIHC which are very sensitive to the land and the original culture of this land.

Mr. Akaka concluded that there will be no impact or affect on cultural sites or cultural practices within the area where the apiary will be located and felt that a cultural impact study would not be necessary for the proposed apiary. He has given his environmental and cultural endorsement to the proposed apiary in the Puakō forest.

Not only has Mr. Akaka endorsed the apiary, but he will be formally blessing the apiary site on August 14, 2004 at Noon. I would be grateful and honored if Mr. Nāmū'ō or a representative of the Office of Hawaiian Affairs would attend the blessing.

Further information concerning the proposed apiary impact:

The following brief explanation is offered to give more specifics about VIHC's beekeeping practices and more clarity about any impact from the proposed apiary. The applied for use (apiary) has virtually no impact and no disturbance to any of the forest or the land or the nearby ocean, except for the placement of the beehives and the beekeepers entering into the area.

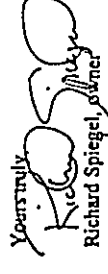
As migratory beekeepers, Volcano Island Honey Co. moves beehives from site to site all the time, according to what forage is available, i.e., what flowers are in bloom. The total impact on the land of an apiary site is driving into the site on an existing dirt road and temporarily placing cinderblocks on the ground with wooden 2x4 frames set on top of the blocks and the hives set on top of the 2x4 frames. None of it is in any way a permanent structure and is easily removable and the impact easily reversible with no residual impact.

Volcano Island Honey Co. is particularly sensitive to cultural and environmental issues and is third party certified organic by Quality Assurance International who inspects the entire operation yearly. I personally have harvested honey from this Puakō Kiawe forest for more than 20 years and no negative environmental or cultural impacts have arisen from my beekeeping. In fact, the impacts on the forest and the area are all positive.

If however, some heretofore cultural impact should be discovered in the future, I will consult with appropriate elders, experts and practitioners and take appropriate steps and make every effort necessary to remedy the situation.

Please call or email me if you have further questions in the future.

Yours truly,


Richard Spiegel, Owner

cc: Kaniela Akaka
Mr. Peter Young, Director, Department of Land and Natural Resources



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

RECEIVED
AUG 15 2004

HRD04/1242 B

August 9, 2004

Richard Spiegel
Owner
Volcano Island Honey Company
46-4013 Puaono Road
Honokaa, HI 96727

RE: Draft Environmental Assessment and Conservation District Use Application (CDUA
HA-3186) for Proposed Puako Klawe Forest Apiary, South Kohala, Hawaii Island, TMK:
6-9-001:015

Dear Richard Spiegel,

The Office of Hawaiian Affairs (OHA) is in receipt of your July 26, 2004, letter, in response to our May 14, 2004, letter commenting on your proposed project.

OHA commends you on your consultations with the Native Hawaiian community, including Kaniela Akaka and Ruby McDonald, and for you and your business's continued sensitivities to the culture and environment of the Island of Hawaii.

Thank you for providing us with a written record of your consultations and with more information about the proposed apiary. All of your efforts are much appreciated, and your intentions of future consultations, should they become necessary, are heartwarming. Thank you, also, for consulting with Matthew Myers – OHA staff, and for your prompt community and written responses to OHA's previous concerns.

OHA is grateful for your gracious invitation to Kaniela Akaka's August 14, 2004, noon blessing of the apiary. We wish you the best in your endeavors.

If you have further questions or concerns, please contact Heidi Guth by phone at 594-1962, or by e-mail at heidig@oha.org.

Sincerely,

Clyde W. Nāmu'o
Administrator

CC: Ruby McDonald
Community Affairs Coordinator
OHA – Kona Office
75-5706 Hanama Place, Suite 107
Kailua-Kona, HI 96740

Tiger Mills
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Harry Kim
Mayor



County of Hawaii

PLANNING DEPARTMENT
101 Puuahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

R. R. Takemoto

Mr. Samuel J. Lemmo, Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Page 2
May 14, 2004

We appreciate being afforded the opportunity to comment on the proposed project. If you have questions, please feel free to contact Larry Brown or Esther Imamura of this office at 961-8288.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

LMB:pxk
P:\WP\W160\Larry\CDUA Comments\Lemmo-Specht\Public\pxk\HA-3186.doc

xc: Mr. Richard Spiegel
Volcano Island Honey
40-4013 Puaono Road
Honokaa, Hawaii 96727

May 14, 2004

Mr. Samuel J. Lemmo, Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu Hi 96809

Dear Mr. Lemmo:

Subject: Request for Comments on CDUA File No. HA-3186
Applicant: Volcano Island Honey Co.
Request: Locate a 3 to 5 Acre Apiary within Puako Kiawe Forest
TNK(S): (3) 6-9-001:015 Lalamilo, South Kohala, Island & County of Hawaii

We are in receipt of your letter, stamped May 3, 2004, requesting our review and comments on the proposed CDUA. Included with your letter were copies of the subject application, the Draft Environmental Assessment, and your Department's Notice of Acceptance and Preliminary Environmental Determination.

After careful review of the above-referenced we have no comments in addition to those provided in our letter, dated December 21, 2003, in response to the applicant's request for pre-consultation assessment comments, which is reproduced in the DEA.

Hawaii County is an equal opportunity provider and employer.

Harry Kim
Mayor



County of Hawaii

PLANNING DEPARTMENT

101 Puuahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax: (808) 961-8742

Christopher J. Yuen
County Engineer

Roy R. Takemoto
Deputy Engineer

Mr. Richard Spiegel
Volcano Island Honey Company
Page 2
December 21, 2003

December 21, 2003

Mr. Richard Spiegel
Volcano Island Honey Company
46-4103 Puuono Road
Honokaa, Hawaii 96727

Dear Mr. Spiegel:

Subject: Draft Environmental Assessment Pre-Consultation Comments and Zoning/Special Management Area Determinations
Applicant: Richard Spiegel, Owner of Volcano Island Honey Company
Request: Location of Apiary Operations
TMK(s): (3) 6-9-001:015

This is in response to your letter dated November 24, 2003 in which you requested comments and determinations from this office pertinent to your application for a Conservation District Use Permit that would allow for the relocation of your apiary operations to a portion of the subject TMK parcel. Your request included the following three items in italics. Our response follows each item.

1. *Planning Department pre-consultation comments on the proposed project regarding your preparation of a draft environmental assessment (DEA) pursuant to Chapter 343, Hawaii Revised Statutes (HRS).*

The subject 545.025-acre property is in the State Land Use (SLU) Conservation district and in the Special Management Area (SMA). The County zoning designation for the property is Agricultural (A-5a). However, due to the land being situated in the SLU Conservation district, Hawaii County has no land use authority over the property, except for the SMA.

Under the Hawaii County General Plan Land Use Pattern Allocation Guide the subject property is designated for open use, which is used to maintain and/or provide forestry pursuits, water supply, fish and marine protection, wildlife and endemic plant preservation, recreational pursuits and visual and scenic amenities. It also demarcates potential natural hazard areas.

The responses provide below should also be considered part of our DEA pre-consultation comments.

2. *Written approval for location of the proposed apiary site pursuant to §25-5-72(a)(16) of the Zoning Code.*

Uses and activities proposed for lands in the SLU Conservation district are not subject to the provisions of the Hawaii County Zoning Code. Therefore, written approval from the Planning Director is not required to allow the establishment of an apiary on the subject property. However, for informational purposes in connection with your CDUA we offer the following comments.

The above-cited section of the Zoning Code is a permitted use in the Agricultural district that states: "Livestock production, provided that piggeries, apiaries, and pen feeding of livestock shall only be located on sites approved by the State Department of Health and the Director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district."

If the proposed use were to be located on lands within the jurisdiction of the County of Hawaii Zoning Code, the Planning Department would require a site survey of the proposed site showing distances to the nearest non-agricultural zoning district boundaries and major public roads to confirm the proposed use/activity satisfied §25-5-72 (a)(16) of the Zoning Code. From the information provided in your submittals is not clear that the proposed apiary location is no closer than 1,000 feet away from the nearest Hotel-Resort and Open zoning district properties located makai of Puako Beach Road or from Ho'ohana Road, a County of Hawaii road mauka of the proposed site.

3. *A determination that the proposed project is exempt from the definition of "development" under Planning Commission Rule 9-4(10)(C) with regard to the Special Management Area (SMA).*

Under Planning Commission (PC) Rule 9-4(10)(B)(viii) the "use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes subject to review by the Department in accordance with Rule 9-4(10)(C)" may be exempt from the definition of "development" and thereby, free from any further review under the SMA guidelines.

Mr. Richard Spiegel
Volcano Island Honey Company
Page 3
December 21, 2003

Mr. Richard Spiegel
Volcano Island Honey Company
Page 4
December 21, 2003

Therefore, based on the understandings listed below, the Planning Director finds the proposed apiary operations exempt from the definition of "development" and from further review under the SMA guidelines. The following understandings are the basis for this determination:

- a) The proposed uses and activities shall be limited to the placement, maintenance and repair, and harvesting of beehive boxes on the project site.
- b) The beehive boxes shall be stacked to height not to exceed 6 feet.
- c) There shall be no construction of structures or other development on the subject property without further SMA review that shall at least include the submittal of a completed SMA Use Permit Assessment Application and written determination by the Planning Department.

For your information, our records do not include any request for, or approval of, your current apiary operations on TMK parcel 6-8-001:022, which is situated in the SLU Agricultural district. We request that you immediately provide this office with copies of any written approvals from the State Department of Health and the Planning Director for said operation. Within six (6) months from the date of this letter, you shall have either:

1. Secured your CDUA and relocated the apiary operations from TMK 6-8-001:022 to TMK 6-9-001:015, or to another site with the appropriate permits and approvals;
2. Received the appropriate approvals pursuant to §25-5-72(a)(16) of the Zoning Code to continue apiary operations on TMK 6-8-001:022; or
3. Provide evidence that the existing apiary was located on the property now identified by TMK 6-8-001:022 prior to March 1, 1967, which was the effective date for Ordinance No. 63, the first Zoning Code for the County of Hawaii.

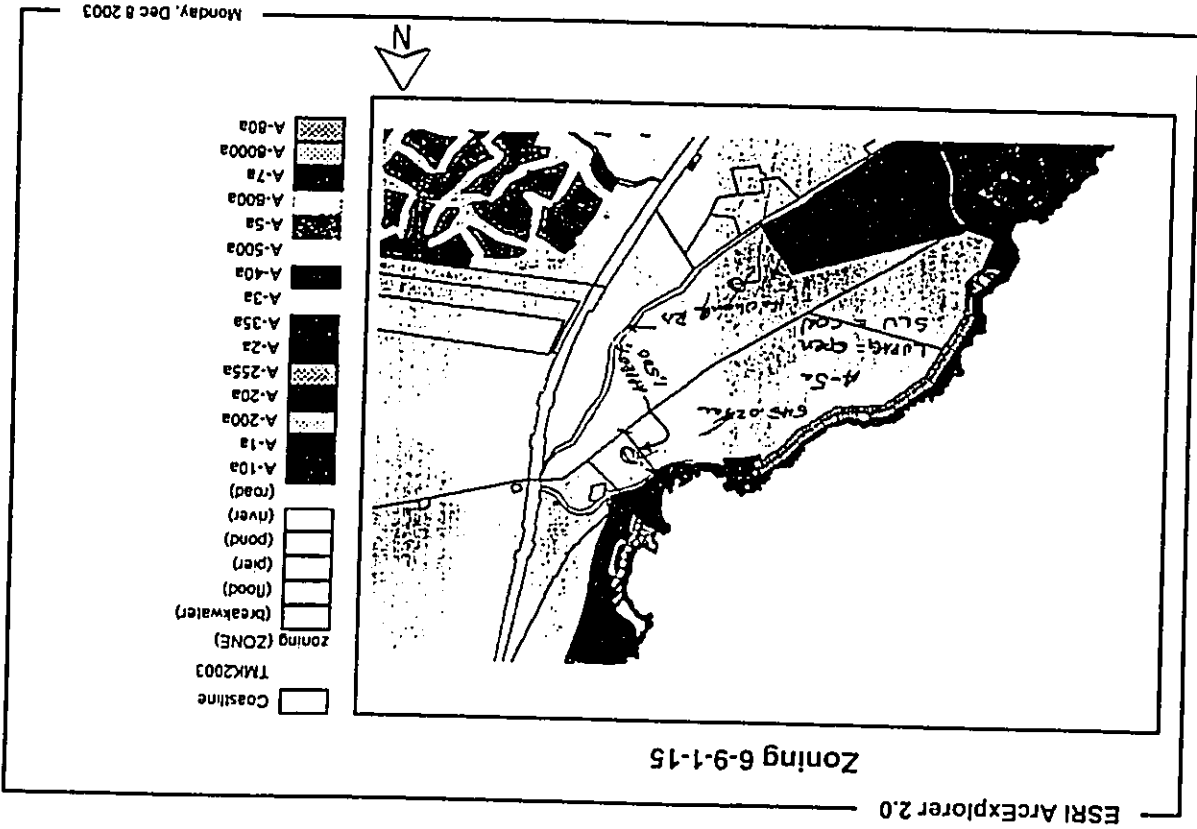
Thank you for the opportunity to comment on your DEA. If you have questions, please feel free to contact Larry Brown or Esther Imamura of this office at 961-8288.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

LMB:pak/mb
P:\P\WIN60\Larry\EA\ES Comment\Spiegel-Pub\apiary 6-9-1-15.rmta.doc

cc: Ms. Susan Gagonik – Long Range
Mr. Lawrence McEathron – Zoning Inspector

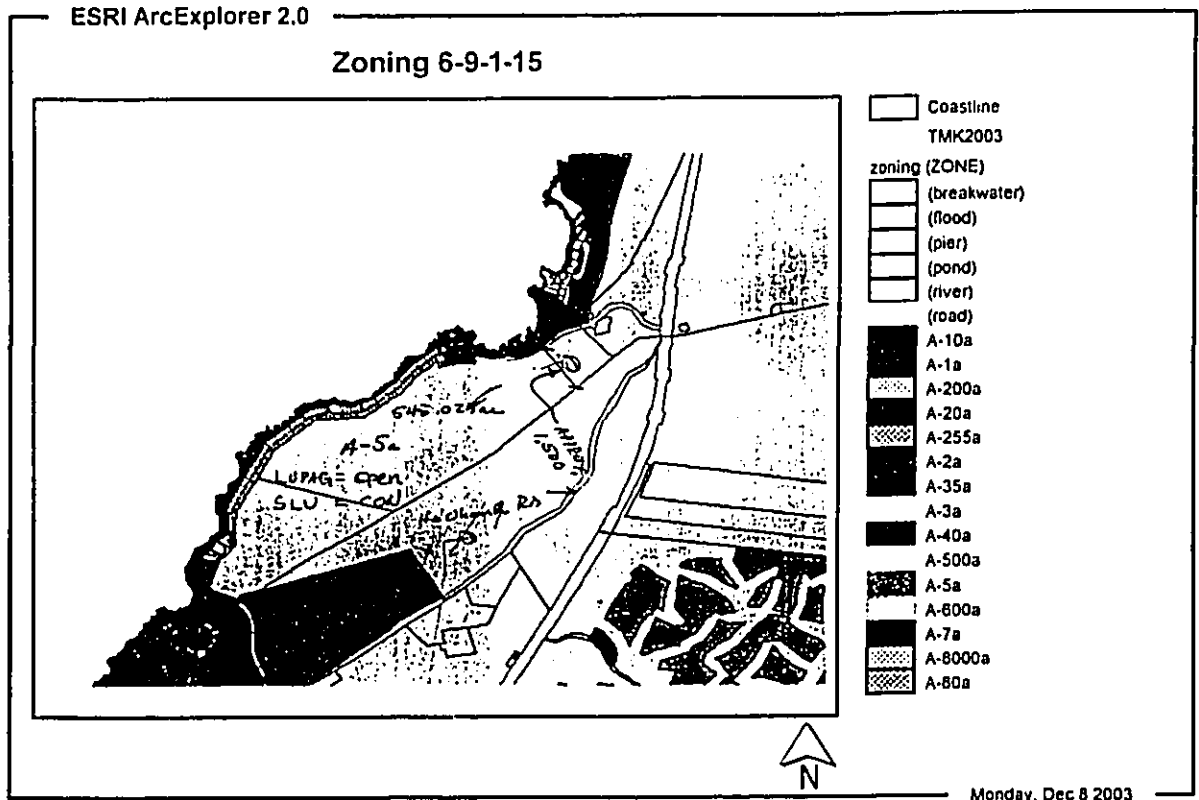


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CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

RECEIVED AS FOLLOWS





A Taste of the Magic of Hawaii®

August 18, 2004

Mr. Christopher Yuen, Planning Director
Planning Department
County of Hawaii
Aupuni Center
101 Pauahi Street, Suite #103
Hilo, HI 96720

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for
Proposed Puakō Kiawe Forest Apiary
(TMK: 3rd/6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Yuen,

This is in response to your letters of December 21, 2003 and of May 14, 2004. I thank you for taking time to respond to my draft environmental assessment and my request for comments on CDUA file No. HA-3186

I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. Now that the comment period has ended, I am responding to your letters.

A copy of the Draft Environmental Assessment was sent to DLNR to be sent to you. We are now preparing the Final Environmental Assessment.

Thank you for your response on May 14, 2004 stating that "[you] have no comments in addition to those provided in [your] letter, dated December 21, 2003..."

Concerning your comment 1, from your letter of December 21, 2003:

I acknowledge your comment that states that "...due to the land being situated in the State Land Use Conservation district, Hawaii County has no land use authority over the property, except for SMA."

Concerning your comment 2, from your letter of December 21, 2003:

I have acted on your comment that "Apiaries...shall only be located on sites approved by the State Department of Health and the Director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district."

In this regard I asked the Health Department for their comments on my application, and I received an official response from Mr. Aaron Uena, District Environmental Health Program Chief stating "the Health Department found no environmental health concerns with regulatory implications..."

The proposed location of the beehives will be far (at least 100 feet) from the nearest public road and residential/resort zoning district, deep in the existing kiawe forest, away from any human activity. There will be no permanent structures and no ground clearing. A small shallow pond in a natural depression with a pond liner will provide a (hailed-in) water source for the bees.

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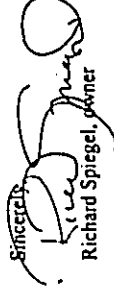
46 - 4013 Puaono Road, Honokaa, HI 98727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail: richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

Concerning your comment 3, from your letter of December 21, 2003:
I acknowledge your appropriate finding that "...the proposed apiary operations [are] exempt from the definition of 'development' and from further review under the SMA guidelines."

I acknowledge the following limitations on activities at the apiary site:
-Apiary activities will be limited to "placement, maintenance and repair and harvesting of beehive boxes on the project site."

-Beehive boxes will not be stacked higher than 6 feet."
-There will be "no construction of structures or other development on the subject property without further SMA review..."

Thank you for your precise and specific response to my proposal. Please call or email me if you have any questions in the future.

Sincerely,

Richard Spiegel, Owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 911
HONOLULU, HAWAII 96821-0911

December 1, 2003

Mr. Richard Spiegel, Owner
Volcano Island Honey Company
46-4013 Puuono Road
Honokaa, HI 96727

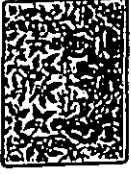
RE: CDUA for Proposed Apiary in Puako Kiawe Forest
Lalamilo, South Kohala, Hawaii
TMK: 6-9-001-015

Dear Mr. Spiegel:

The Health Department found no environmental health concerns with regulatory implications in the submittals.

Sincerely,

AARON A. UENO
District Environmental Health Program Chief
Hawaii District



VOLCANO ISLAND HONEY COMPANY

46-4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

collected by the original collector

August 9, 2004

Aaron A. Ueno
District Environmental Health Program Chief
Hawaii District
State of Hawaii
Department of Health
PO Box 916
Hilo, HI 96721-0916

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3*6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Ueno,

This is in response to your letter of December 1, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

Even though you had no comments regarding the Draft Environmental Assessment, and "found no environmental health concerns with regulatory implications in the submittals", I appreciate you taking the time to respond to my request for comments.

Please call or email me if you have any questions in the future.

Sincerely,

Richard Spiegel, owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources



RECEIVED

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

December 11, 2003

ATTENTION OF
Regulatory Branch

Mr. Richard Spiegel, Owner
Volcano Island Honey Company
46-4013 Puuono Road
Honokaa, Hawaii 96727

Dear Mr. Spiegel:

We are in receipt of your letter dated November 24, 2003, requesting comments on the proposed apiary located on a parcel identified as TMK: 6-9-01:15 in Lalamilo, South Kohala, Hawaii.

In order for my office to determine whether the proposed activity is subject to regulations under Section 404 of the Clean Water Act, the draft environmental assessment (DEA) should include the following information:

- 1) The presence or absence of streams or other water bodies or wetlands on the property, and if present, what effect the project will have on them.
- 2) The water source for the small shallow pond, i.e. tapping of ground water, diverting a stream, etc.

Upon issuance of the DEA, a copy should be sent to this office for further review.

Thank you for the opportunity to provide comments on the project during the pre-assessment consultation phase. Please feel free to contact Ms. Lolly Silva of my office at (808) 438-7023 or by Fax at (808) 438-4060 should you require clarification or any further assistance. Refer to File 20040086 in any future correspondence with this office.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

and other products of the Volcano Island Honey Company

August 9, 2004

George P. Young, P.E.
Chief, Regulatory Branch
Department of Army
U.S. Army Engineer District, Honolulu
Ft. Shafter, HI 96858-5440

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puakō Kiawe Forest Apiary (TMK: 3rd/6-9-001-015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VHC)

Dear Mr. Young,

This is in response to your letter of December 11, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

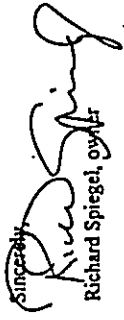
Thank you for taking the time to comment. To answer your specific questions:

- 1) There are no "streams or other water bodies or wetlands on the property" that will be affected by the apiary project. The applied for use (apiary) has virtually no impact and no disturbance to any of the forest or the land, any bodies of water or the nearby ocean.

The total impact is the placement of the beehives on the land and the beekeepers entering into the area on an existing dirt road and temporarily placing cinderblocks on the ground with wooden 2x4 frames set on top of the blocks and the hives set on top of the 2x4 frames. None of it is in any way a permanent structure and is easily removable and any impact easily reversible with no residual impact.

2) "The water source for the small shallow pond" is water hauled from a well on land formerly owned by Mauna Lani Resort, now owned by Paoua Beach Development or from the Mauna Lani Resort golf course. The superintendent of the course said if we needed, he would supply the small amount of water required for the bees.

Please call or email me if you have further questions in the future.

Sincerely,

Richard Spiegel, ^{owner}

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

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LINDA SPICEL
GOVERNOR



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

December 15, 2003

Mr. Richard Spiegel
Volcano Island Honey Company
46-4013 Puuono Road
Honokaa, Hawaii 96727

Dear Mr. Spiegel:

Subject: Pre-consultation, Draft Environmental Assessment
Proposed Apiary in Puako, Kiawe Forest
TMK: 6-9-001: 015

This letter is in response to your request for comments on a proposed location of your beehives. It is our understanding that bee activity will be confined to the proposed location. Therefore, we do not see an impact from your operations on our transportation facilities.

We appreciate the opportunity to provide our comments.

Very truly yours,

RODNEY K. HARAGA
Director of Transportation

c: Peter T. Young, Department of Land and Natural Resources

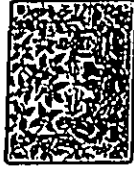
Rec'd

RODNEY K. HARAGA
DIRECTOR

DAVID DUNN
BRUCE YAMASHITA
LINDSEY JOHNSON
BILLY H. SERRANO

IN REPLY REFER TO

STP 8.0964



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

Office of the Registrar of Elections

August 9, 2004

Rodney K. Haraga
Director of Transportation
State of Hawaii
Department of Transportation
869 Punchbowl St.
Honolulu, HI 96813-5097

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3rd/6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Haraga,

This is in response to your letter of December 15, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

Even though you had no comments regarding the Draft Environmental Assessment, and "[did] not see an impact from [my] operations on [your] transportation facilities", I appreciate you taking the time to respond to my request for comments.

Please call or email me if you have any questions in the future.

Sincerely,

Richard Spiegel, Owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

Harry Kim
Mayor



County of Hawaii
FIRE DEPARTMENT
33 Aupuni Street • Suite 103 • Hilo, Hawaii 96720
(808) 941-3197 • Fax: (808) 941-4294

Darryl J. Oliveira
Fire Chief
Demmond K. Weir
Deputy Fire Chief

1-800-633-3333



Office of the Mayor of Hawaii

VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puaono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

August 9, 2004

Darryl Oliveira
Fire chief
County of Hawaii
Fire Department
25 Aupuni St., Ste 103
Hilo, HI 96720

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puakō Kiawe Forest Apiary (TMK: 37/6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Chief Oliveira,

This is in response to your letter of December 11, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

Even though you had no comments regarding the Draft Environmental Assessment, I appreciate you taking the time to respond to my request for comments.

Please call or email me if you have any questions in the future.

Sincerely,

Richard Spiegel, Owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

December 11, 2003

Mr. Richard Spiegel, Owner
Volcano Island Honey Company
46-4013 Puaono Road
Honokaa, HI 96727

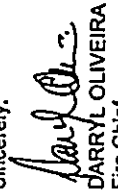
Dear Mr. Spiegel:

RE: EA FOR PROPOSED APIARY IN PUAKO KIAWE FOREST
(PRECONSULTATION)
LALAMILO, SOUTH KOHALA, HAWAII
TAX MAP KEY: 6-9-001:015

This responds to your request for comments regarding the Draft Environmental Assessment for the above-referenced project.

We have no comments to offer at this time concerning this proposal.

Thank you for the opportunity to participate in the planning stages of the project.

Sincerely,

DARRYL OLIVEIRA
Fire Chief

RK:lk



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Harry Kim
Mayor



County of Hawaii
POLICE DEPARTMENT
319 Kapiolani Street • Hilo, Hawaii 96720-3751
(808) 931-2111 • Fax (808) 941-2319

Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

Rec'd 11/11/03

December 9, 2003

Mr. Richard Spiegel, Owner
Volcano Island Honey Company
46-4013 Puaono Road
Honokaa, Hawaii 96727

Dear Mr. Spiegel:

RE: EA FOR PROPOSED APIARY IN PUAKO KIAWE FOREST
(PRECONSULTATION)
LALAMILO, SOUTH KOHALA, HAWAII
TMK: 6-9-001:015

This responds to your correspondence of November 24, 2003 regarding the above-referenced subject matter.

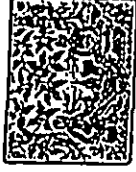
Staff has reviewed your letter and has no comments or concerns to offer at this time.

Sincerely,

LAWRENCE K. MAHUNA
POLICE CHIEF

Thomas J. Hickcox
THOMAS J. HICKCOX
ASSISTANT POLICE CHIEF
AREA II OPERATIONS

TJH:dmt



Office of the County of Hawaii

August 9, 2004

Lawrence K. Mahuna
Police Chief
Thomas J. Hickcox
Assistant Police Chief
Area II Operations
County of Hawaii
Police Department
349 Kapiolani St., Ste 103
Hilo, HI 96720

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3-76-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Chief Mahuna,

This is in response to your letter of December 9, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. We sent a copy of the Draft Environmental Assessment to DLNR to be sent to you.

Per instructions from DLNR, now that the comment period has ended, I am responding to your letter. We are now preparing the Final Environmental Assessment.

Even though you had no comments regarding the Draft Environmental Assessment, I appreciate you taking the time to respond to my request for comments.

Please call or email me if you have any questions in the future.

Sincerely,
Richard Spiegel
Richard Spiegel, Owner

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puaono Road, Honokaa, HI 96727
Tel: (808) 775-1000 - Fax: (808) 775-0412
E-mail: richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

RECEIVED DEC 15 2003

LENINGRAD ELARIONOFF
Councilmember



OFFICE OF THE COUNTY COUNCIL

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

PHONE: 961-8265
FAX: 961-8912

December 9, 2003

Richard Spiegel, Owner
Volcano Island Honey Company
46-4013 Puuono Road
Honoka'a, HI 96727

Dear Mr. Spiegel,

Honeybees placed in a Kiawe forest may not adhere to boundaries or any expected limitation placed on their migration. Exploiting the potential of the seasonal flowering of the Kiawe however is a step in the right direction.

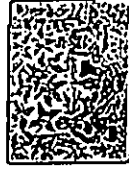
There have been incidents of people on motorcycles being stung by Honeybees. The potential for joggers and bicyclists being exposed to bees seem to exist even today without another colony being added.

The Apiary added to Puako may stimulate consideration to better equip the Mauna Lani Fire Station to respond to an emergency involving bees such as anaphalatic shock. I recommend that the Hawaii Fire Department be also consulted in this EIS.

Sincerely,

Leningrad Elarionoff
Council Member District 9
Hawaii County Council

DISTRICT 9
Waimea, Kohala, Kawaihae, Waikoloa, Puako



County of Hawaii - Spirit of Aloha

August 9, 2004

Leningrad Elarionoff
Councilmember
Office of the County Council
County of Hawaii
25 Aupuni St
Hilo, HI 96720

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3rd/6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Elarionoff,

This is in response to your letter of December 9, 2003. I was advised by DLNR not to respond to any letters until I received all comments on the Draft Environmental Assessment. Per instructions from DLNR, now that the comment period has ended, I am responding to your letter.

I sent a copy of the Draft Environmental Assessment to DLNR to be sent to you. We are now preparing the Final Environmental Assessment.

Thank you for taking the time to comment.

To reply to your specific comments:

I am glad that you feel that harvesting honey from the seasonal flowering of Kiawe is a "step in the right direction." (Please see attached letter from Governor John Waihee.)

Concerning your comment about bee migration: when bees migrate, if they migrate at all, they migrate towards available forage. The Puako forest produces one of the most prolific flows of nectar in the state. The Puako forest is essentially surrounded by lava desert except for a small amount of hotel and residential landscaping, which is insignificant compared to the nectar available to the bees during the kiawe bloom. Thus, because of the prolific availability of forage for the bees in the kiawe forest, they will tend to remain in the forest. Thus, honey bee migration in the Puako forest is to some degree predictable.

We manage our domestic bees to minimize migration (swarming), and when the kiawe bloom is finished (about October) we move our bee hives back to the Hamakua side and the winter flower blooms there. Thus I do not believe there will be any observable migration due to our apiary.

However, there may be an observable positive effect from the presence of our bees through interbreeding. If our bees, contrary to attempts to avoid it, do swarm, our domesticated bees, through interbreeding, should help to dilute the more aggressive genes of the feral bees that naturally inhabit the Puako forest.

While there may be a small potential for bicyclists and joggers to be exposed to bees from the forest, it is very unlikely on Queen Ka'ahumanu Highway since there is no reason for the bees to cross the highway from the Puako forest. There is no forage or water on the other side of the highway.

The bees may cross Puako Beach Drive most likely for water, but we provide water for our bees right at there hive location. Generally bees appearing in the Puako community are from the feral hives that live naturally in the forest. In the more than 25 years that I have been keeping bees in the Puako forest I have not heard one complaint or report from bikers or joggers about bees.

I continue to help residents and resorts find solutions to any bee problems that they may encounter. (Please see attached letter from Mauna Lani Resort.)

I have spoken Captain Grant Kojima of the South Kohala Fire Station (Mauna Lani Fire Station) and he assured me that they are well prepared "to respond to emergencies involving bees such as anaphalactic shock" with the necessary medicines and knowledge. I sent a letter to the County of Hawaii Fire Department concerning the proposed apiary asking for comments and they wrote back "We have no comments to offer..." (Please see attached letter.)

Please call or email me if you have further questions in the future.

Sincerely,

Richard Spiegel, Owner

ENC.
cc:

Mr. Peter Young, Director, Department of Land and Natural Resources



EXECUTIVE CHAMBERS
HONOLULU

JOHN WAIHEE
GOVERNOR

November 26, 1990

Mr. Richard Spiegel
Volcano Island Honey Company
P. O. Box 1709
Honokaa, Hawaii 96727

Dear Mr. Spiegel:

Thank you for your letter acknowledging the successful efforts of Robbie Robertson and Mauna Lani Resort in securing land to place your beehives.

Diversified agricultural activities like yours make for a stronger agricultural economy and can partially offset downturns in the visitor and defense industries. The State is committed to the development and protection of the resources vital to expanded agricultural production.

I wish you well in your endeavors.

With kindest regards,

Sincerely,



JOHN WAIHEE

cc: Mr. Robbie Robertson

FRED C. HOLSCHUH, M.D.
Councilmember



HAWAII COUNTY COUNCIL

County of Hawaii
Hawaii County Building
25 Waiwai Street, Suite 209
Hilo, Hawaii 96720

Phone: (808) 961-8264
Fax: (808) 961-8912

RECEIVED

JUL 14 2004

July 10, 2004

TO: Dept. of Land and Natural Resources
FROM: Dr. Fred Holschuh
SUBJECT: CDUA regarding placing bees in Puako forest state land

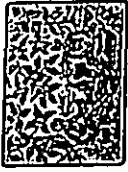
Dear DLNR:

I will not be able to attend the public hearing scheduled for July 15, 2004 at 6 p.m. in Hale Halawai, regarding the application of Volcano Island Honey Company to place honeybees on state land. I am writing as an individual about Mr. Richard Spiegel and his company. I have known him for many years and have personally sampled his product. Mr. Spiegel is a hard working, ethical and extremely nice gentleman. I would highly recommend his securing this permit to continue his company's activities.

As a council member, I feel positive about endorsing his business from the standpoint of our island's economic benefit from such operations. As a former Big Island BLNR member, I realize how important these decisions are. I respectfully request your consideration and positive action on this application.

Aloha,

Fred C. Holschuh, M.D.



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puapua Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

College of the Sages of Hawaii

August 11, 2004

Dr. Fred Holschuh
Councilmember
Hawaii County Council
County of Hawaii
25 Aupuni St., Ste 209
Hilo, HI 96720

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3rd6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Fred,

Thank you so much for taking your valuable time to comment on my application. I appreciate very much your recommendation that the applied for permit for the Puako Apiary be granted. I also appreciate your comment that Volcano Island Honey Co. provides economic benefit for the Big Island. Thank you very much for your kind personal comments.

Richard Spiegel

cc: Mr. Peter Young, Director, Department of Land and Natural Resources





Hokuloa United Church of Christ
P. O. Box 384239, Waikoloa, HI 96738
(808) 883-8295
located at 2 1/2 Puako Beach Drive

May 28, 2004

Mr. Samuel J. Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, Hawaii 96809

Reference: Hokuloa United Church of Christ, Puako, Hawai'i Island

Dear Mr. Samuel J. Lemmo:

Even though I am a member of the Puako Community Association Board of Directors because I am the pastor of the historic Puako Hokuloa United Church of Christ (TMK: 3rd/6-9-002:9), my first knowledge of the Conservation District Use Application HA-3186 for the Puako Klawe Forest Apiary was this past Tuesday when a front page article appeared in the West Hawaii Today newspaper. The lease holder for the State land on which the church is located is the Hawaii Conference Foundation of the United Church of Christ, c/o John Derby, Executive Secretary, 15 Craigside Place, Honolulu, HI 96718.

While the newspaper article reported a June 22 deadline for comments, a letter written by you, May 3, and available with the Application at the Thelma Parker Public Library states that the deadline regarding comments about the proposal must be postmarked by May 31.

The Hokuloa Church and the Hawaii Conference Foundation of the United Church of Christ feel that we need more time for study of the proposal and to make appropriate comments.

The congregation has identified the property across the street as the logical location for expanding church programs and community activities. The church has plans in the future to apply for a lease from the State for ten acres directly facing the church across the road. If the Apiary lease contains the entire parcel in perpetuity, then the possible expansion of the church would be prevented.

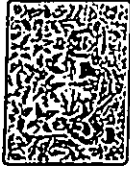
5/28/04, Page 2

There are questions that we have, including, but not limited to: (1) where exactly is the designated road that is to be used, (2) where will be gated entrance to the road off Puako Beach Drive be located, (3) where will the pond be actually located, (4) will the bees compete with worshipers and others who attend activities at the church, (5) and what are the provisions for withdrawal of the permit?

Yours truly,

John P. Hoover
Rev. John P. Hoover
Pastor, Hokuloa United Church of Christ

cc: Peter Young, Director, Department of Land and Natural Resources
Mr. John Derby, Executive Secretary, Hawaii Conference Foundation



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puaoao Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail: charlie@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

Gift of the Holy Spirit

July 22, 2004

Reverend John P. Hoover
Pastor, Hokuoloa United Church of Christ
PO Box 384239
Waikoloa, HI 96738

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 376-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co.

Dear Reverend Hoover,

It was very good talking with you on the phone and then meeting you at the Puako Community Association Board of Directors meeting.

This is in response to your questions and concerns brought up in your letter of May 28, 2004 to Mr. Samuel J. Lemmo, Administrator, Department of Land and Natural Resources, Office of Conservation and Coastal Lands, a copy of which was sent to me.

In response to your concern that I might lease "the entire parcel in perpetuity" I would like to assure you, as I did at the Puako Community Association Board Meeting, that I have no desire or intention of precluding the possible expansion of the Hokuoloa Church. I have no objection to withdrawal, in the future, from my proposed apiary lease of a parcel of land for use by the church.

Currently I only need approximately 5 acres of land and access to that small parcel on which I can place my bee colonies. However, I do need the vast majority of the kiawe forest intact so that the bees can pollinate and forage on all of the trees within the forest. My request and intention is to locate the honeybee colonies deep within the thickest part of the forest, well away from the road and any property that the church might someday wish to utilize. The term of my permit, as far as I know, will be determined by the Department of Land and Natural Resources (DLNR).

Whether I am granted a license to use 5 acres or am required by DLNR to take a lease on the entire 500 acre parcel is up to DLNR, and it is my understanding that the Church will be required to make its own application to the DLNR for its own use of the land within the State Conservation District Zone, as well as, perhaps an application to the County for a Special Management Area use permit.

To answer your specific questions:

(1) The entrance to the designated road that is to be used by the apiary is an existing road that is located north of Hokuoloa church and north of the Sullivan property, on the mauka (east) side of Puako Beach Drive and just south of the Puako boat landing. It is recognizable by a locked gate at the entrance. That road, recently repaired from flood damage and widened, runs due east and then takes a 90° turn south towards Kailua-Kona and runs north-south on the mauka property boundary.

(2) The gated entrance to the road is located as described in (1) above.

(3) The "pond" which will be in actuality merely a natural shallow depression no more than 36 inches deep that is encircled with kiawe logs and draped with a pond liner. This is then filled with water, tiny fish to stop mosquitoes from breeding and water plants to give the bees a place to land to access the water. Bees use the water for hydration and for cooling the hive. The inner temperature of the hive must be kept at 93 degrees. This pond will be located approximately 20 to 50 feet from the beehives.

(4) The beehives will not be anywhere near the church or the worshippers or others who attend church activities. The bees live in their hives in the forest, fly into the tops of the kiawe trees and collect nectar and pollen from the kiawe flowers and return to their hives to store what they collect. They are not interested in humans or human activity unless they feel threatened at their hive (their home), at which time they may become defensive if threatening activity takes place within approximately 10-20 feet from their hive.

Honeybees are not naturally aggressive, especially the bees we use that are bred for gentleness. They are merely defensive around their home. They have no reason to fly into the church or around church activities. Honeybees are vegetarian and do not eat human food - only pollen and nectar from flowers. Bees die after they sting and are therefore reticent to sting except when they feel threatened. However, it is important to distinguish honeybees from yellow jackets and other insects of the hornet and wasp families none of which are honey bees. Yellow jackets are carnivorous, sometimes aggressive and attracted to human food. If church goers have been disturbed in the past it is likely from yellow jackets which can be aggressive especially when attracted to human food.

There will be no significant change in my apiarist activities from my past 20 years of beekeeping in the Puako forest. The only change will be a slight change in location of some colonies and a possible gradual increase in the number of colonies; however, currently our extracting facility cannot handle an increase in the number of colonies.

It is important to note that no comments or complaints have been made by the church or worshippers or attendees to me or the Puako Community Association or other agencies that I know of for these past 20 years that I have kept bees in the Puako forest. I anticipate no problems in the future. If some unanticipated concern should arise, I will be available to consult with and take action to address the concern, especially if it has to do with my bees. However, even if there is a problem with the wild bees that live naturally in the forest or from yellow jackets, I will make myself or my staff available for consultation and help whenever possible.

(5) I am sorry that I cannot answer your question number 5, because I do not know the provisions or terms of the permit yet to be granted by DLNR.


In specific reply to the comment about my proposed apriary lease in the letter from Mr. John Derby, Executive Secretary of the Hawaii Conference Foundation of the United Church of Christ to DLNR on May 28, 2004 I would like to reiterate that I have no objection to withdrawal in the future from my proposed apriary lease of a parcel of land for use by the church. As I stated above, the specifics of such a request is not within my purview and must be taken up directly with DLNR.

I thank you for your letter and your questions and expressions of concern, which have given me the opportunity to clarify and explain more fully my intentions and expectations.

I have written a letter of response to Mr. John M. Derby, Executive Secretary, Hawaii Conference Foundation, United Church of Christ. I have enclosed a copy of that letter.

Please call or email me if you have further questions in the future.

Yours truly,


Richard Spiegel, owner

enc.

cc: Mr. John M. Derby, Executive Secretary, Hawaii Conference Foundation
Mr. Peter Young, Director, Department of Land and Natural Resources

RECEIVED
 LAND DIVISION HAWAII CONFERENCE FOUNDATION
 15 Capside Place • Haeahua, Hawaii 96712 • (808) 791-4533 • FAX (808) 521-7196
 Neighbor Street 1-800-334-7410 ext 618 E-mail: jerry@hcf.org

John M. Derby, Sr.
 Executive Secretary

May 28, 2004

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

Reference: Hokuioa Church, Puako, Big Island

Dear Peter:

Hawaii Conference Foundation holds a revocable permit (number S-4350) where the Hokuioa Church is situated on State land in Puako on the Big Island (TMK 6-9-02-09).

We just learned from our Pastor, Reverend John Hoover at Hokuioa United Church of Christ, that your Office of Conservation and Coastal Lands is studying an application HA-3186 for a Puako Kiawe Forest Aply on the property across the road from our church and that some input has been requested. Hawaii Conference Foundation needs more time to study the aply proposal before being able to make formal comments.

The property across the road from our active church is a logical site for expansion of our church ministry programs and other community activities. We would like to declare to the Department of Land and Natural Resources that we have future plans to apply for a lease from the State of up to ten acres directly abutting the church across the road. Therefore, we would like to see provision in the aply lease allowing for a withdrawal of the property from the Aply lease demise at the appropriate time so that the State will be able to lease it to Hawaii Conference Foundation or the church exclusively. In other words, we would not like to see the aply lease put the entire parcel in their hands in perpetuity and thus preclude the possible expansion of the church.

We have been in conversation with your Land Division to create a new arrangement for the church which would include some contiguous State-owned remnant lots that are not under active use. The information they requested has now been gathered and is ready for submission.

This Foundation is the investment and property management arm of the Hawaii Conference of the United Church of Christ, continuing the first Christian work started in Hawaii in 1820.


Reverend Hoover has also made us aware of a proposed subdivision of a nearby parcel into 28 lots to be sold. The development application is before the Hawaii County Planning Commission that could perhaps have further impact on the activities of our Hokuioa Church. We want to make you aware of that project. There is a website to access with more information about that development. The address is: <http://glavaneers.com/puakosubdivision>

Our historic Hokuioa church in Puako was constructed under the leadership of Rev. Lorenzo Lyons in 1859. In the late 1860s, Hawaii Conference sponsored a restoration of the church and it has been successfully serving the wider Puako community ever since.

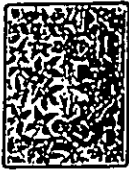
Hawaii Conference Foundation is grateful for the assistance you and your Historic Preservation Division have been rendering to us, particularly your kokua in connection with the attempt to save our Moanaiua Community Church at Pearl Harbor. We hope you will continue to be attentive to our needs in the Puako area as well.

We would like you to visit the historic Hokuioa Church property in Puako at a convenient time. Reverend John Hoover would welcome your call when you are home on the Big Island. His phone number is 883-8295.

Aloha,


 John M. Derby
 Executive Secretary

cc: Mr. Russell Keupu, Esq., Chair (via e-mail)
 Mr. Jack Keppeler, Vice Chair (via e-mail)
 Rev. Don Severson, Interim Conference Minister (via e-mail)
 Rev. Kevin Page, Associate Conference Minister (via e-mail)
 Rev. John Hoover, Pastor, Hokuioa Church (via e-mail)
 Ms. Deidre Mamiya, Administrator, Land Division, DLNR —
 Mr. Harry Yada, Land Agent, Land Division, DLNR
 Mr. Samuel J. Lemmo, Administrator, Office of Conservation and Coastal Lands, DLNR



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 98727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

all things of the Kingdom of Hawaii

July 22, 2004

John M. Derby
Executive Secretary
Hawaii Conference Foundation
United Church of Christ
15 Craigsides Place
Honolulu, HI 96817

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application
(CDUA) HA-3186 for Proposed Puako Kiaawe Forest Apiary
(TMK: 3^m/6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co.

Dear Mr. Derby,

This is in response to your letter of May 28, 2004 to Mr. Peter Young, Director, Department of Land and Natural Resources (DLNR), a copy of which was sent to me, and I have been requested by DLNR to respond to your concerns about the apiary lease.

In specific reply to your comment about my proposed apiary lease, I have no objection to withdrawal, in the future, from my proposed apiary lease of a parcel of land for use by the church. I would like to assure you that I have no desire or intention of precluding the possible expansion of the Hokuoia Church.

Whether I am granted a license to use 5 acres or I am required by DLNR to take a lease on the entire 500 acre parcel, it is my understanding that the Church will be required to make its own application to the DLNR for its own use of the land within the State Conservation District Zone, as well as, perhaps an application to the County for a Special Management Area use permit.

I have written a response to questions from Reverend John P. Hoover, Pastor of Hokuoia United Church of Christ in Puako. A copy of my letter to him is enclosed, in which I have elaborated in more detail my intentions and expectations.

I thank you for your letter and your expressions of concern which have given me the opportunity to clarify and explain more fully my intentions and expectations.

Please call or email me if you have further questions in the future.

Yours truly,


Richard Spiegey

enc.

cc: Reverend John P. Hoover, Pastor of Hokuoia United Church of Christ
Mr. Peter Young, Director, Department of Land and Natural Resources

KENNETH FRANCIS BROWN

July 23, 2004

Mr. Richard Spiegel
Volcano Island Honey Company
46-4013 Puuono Road
Honokaa, Hawaii 96727


Dear Richard:

The Puako Keawe Forest has long been known for the bees that inhabit it, and for the quality of the honey they produce.

In my childhood, we knew about the honey house that was in place there, and everyone treasured and savoured the honey.

Anything that can be done to enhance and encourage the honey business at Puako will be a great benefit to the Big Island.

With best regards,


Kenneth F. Brown



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

collected by the College of Hawaii

August 11, 2004

Mr. Kenneth F. Brown
1023 Pensacola St., Ste. H
Honolulu, HI 96814

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3'76-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Kenny,

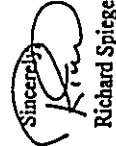
Thank you so much for taking your valuable time to comment on my application, and thank you for your continued support for all these 25 years. I am truly grateful to you.

A quick update: The honey that I have been producing from the Puako kiawe trees is now known and in demand nationally and internationally. On October 31, 2003 Volcano Island Honey Co. (VIHC) was designated an "Authentic Food Artisan" by Whole Foods Market (WFM) - the largest, most upscale chain of natural food stores in the United States. The honey is now available and promoted by WFM in all of their 145 stores across the US.

The following is an excerpt from the Whole Foods Market Product Development head to me:

"Congratulations on being selected as one of Whole Foods Market Authentic Food Artisans for 2004. You are among a select group of organic food artisans identified and carefully chosen by Whole Foods Market from all over the world. Whole Foods Market Authentic Food Artisans exemplify commitment to excellence and an all-encompassing attention to detail. ... [WFM] recognizes that Volcano Island Honey Co through its traditional, environmentally-sensitive methods and meticulous timing is producing a rare, world-class honey only producible in one unique forest on the Big Island of Hawaii."

Thank you again. If there is anything I can do for you, please don't hesitate to ask.


Richard Spiegel

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

MAUNA LANI RESORT
Mauna Lani Resort (Operation), Inc.



July 15, 2004

Mr. Samuel J. Elmno
Administrator - DLNR
Office of Conservation & Coastal Lands
P.O. Box 621
Honolulu, HI 96809

Re: Conservation District Use Permit Application
by Richard Spiegel dba Volcano Island Honey Company

Dear Mr. Elmno:

While I am not able to be present for the hearing due to prior engagements, I wanted to submit my written testimony on behalf of Richard Spiegel and Volcano Island Honey Company.

My name is Norman Ah Hee, Resort Services Manager at Mauna Lani Resort.

I have known and worked with Richard Spiegel since 1992 when he had his bee hives located on Mauna Lani Resort property; the property has since been sold. While maintaining his bee hives on property, Richard Spiegel was a very good steward of the land and was very helpful to Mauna Lani in capturing wild bees and moving them for us when needed. Spiegel has not only been a working acquaintance but a friend to all at Mauna Lani; of high character and a Man of his word. Further, the rare and delicious Kiawe white honey produced by Spiegel's bees in the Puako forest, which he has shared with me and my associates, are beyond compare to any other I have ever tasted. To my knowledge, the Puako forest is the only place that Spiegel's Kiawe honey can be produced.

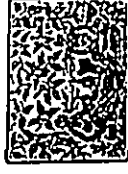
I strongly ask for your positive consideration and granting of Richard Spiegel's application for a Conservation District Use Permit to enable him to continue his operation of placing bee hives on State land in the Puako forest to produce that rare Kiawe white honey which is synonymous to one of the many good things produced in Hawaii.

Sincerely,

MAUNA LANI RESORT

Norman Ah Hee
Resort Services Manager

65-1310 Mauna Lani Drive, Suite 101 • Kohala Coast, Hawaii 96743-9704
Telephone: (808) 835-6677 • Facsimile: (808) 835-6375



VOLCANO ISLAND HONEY COMPANY

46 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail : richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

Our Bees are the origin of our Honey

August 11, 2004

Norman Ah Hee
Resort Services Manager
Mauna Lani Resort
65-1310 Mauna Lani Drive, Ste. 101
Kohala Coast, HI 96743-9704

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3'6-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Norman,

Thank you so much for taking your valuable time to comment on my application and for writing such a beautiful letter. I appreciate very much your strong recommendation that the applied for permit for the Puako Apiary be granted, and your comments and perspective on the honey that we produce from the Puako forest. And, thank you so much for your very kind personal comments.

If I can be of assistance to you or Mauna Lani Resort in any way, please do not hesitate to let me know.

Sincerely,

Richard Spiegel

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

Shekinah McLoud
P.O. Box 1814
Honokaa, HI 96727
808-775-0829

Re: Public Hearing for Volcano Island Honey Company's Conservation District Use
Permit Application to place bees on State Land in the Puako Forest.

Thursday, July 15, 2004

6PM
Hale Halawai Conference Room
75-5760 Alii Drive, Kailua-Kona

Good Evening,

My name is Shekinah McLoud and I work at Volcano Island Honey Company. I have been the Office Manager for over 2 1/2 years.

I feel that permission to move some of our hives to the State Land in the Puako Forest should be granted. Puako's forest trees tap into an underground brackish water system and are the ONLY trees that produce this unique Kiawe honey.

Part of my job is to handle all incoming calls and process all the honey orders. Each day I hear from people about how our honey has touched and in some cases, changed their lives for the better.

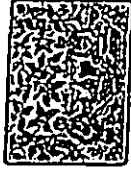
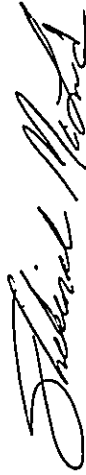
I love working for and with Volcano Island Honey Company because I get to share my time with people and a company that is dedicated to using environmentally sustainable practices and promoting a socially responsible working environment. Volcano Island Honey Company is constantly changing and evolving for the better and is a reflection of the individuals that work there.

We are a bee farming company that is NOT about the "bottom-line". Part of our intention is to show others that there is a different way to do business. Our intention is to show how a company can succeed and prosper by taking care of its employees, the bees, the trees and the forest. As individuals and as a company, we are very conscious and careful of our impact on everyone and everything in our community.

Bee farming has the least impact of any agricultural pursuit. We set our boxes down on the soil and aside from a source of water, for the bees, that is all that sits in the forest. Our intentions and all our practices put the focus on the care of the bees and the forest's well-being. We feel VERY honored to be able to provide the bees' gift of honey to the world at large.

I am lucky to work in an environment with people who care for and support one another and I feel that we instill all that we believe into how we do things and how we handle the honey that the bees provide. Customers tell me that they choose our honey because of how we conduct our business and who we are as a company.

In closing, I believe Volcano Island Honey Company should be granted access to the State Land in the Puako Forest. Thank you.



VOLCANO ISLAND HONEY COMPANY

48 - 4013 Puuono Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax (808) 775-0412
E-mail : Richard@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

all things of the colony of Oahu

August 11, 2004

Mrs. Shekinah McLoud
PO Box 1814
Honokaa, HI 96727

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application (CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary (TMK: 3"6-9-001:015), South Kohala, Island and County of Hawai'i
Applicant: Volcano Island Honey Co. (VIHC)

Dear Shekinah,

Thank you so much for taking your valuable time to comment on my application for an Apiary in the Puako forest. Thank you for taking time out of your life to travel to Kona to give testimony at the public hearing and then taking the time to put your testimony into writing. I appreciate your positive comments and recommendation for a favorable response, and I appreciate very much your perspective on working for Volcano Island Honey Co.

Sincerely,


Richard Spiegel

cc: Mr. Peter Young, Director, Department of Land and Natural Resources

5-26-04

Chris Young
Pls. my Director
Hawaii

(unsolicited)

Puako: Proposed Gary (R. Spigel)

From to 2002 Mr. Richard Spigel had a few
at that time I wrote

of Beehives in this area. At that time I wrote
from being this time
I gave them a hand in a safe distance from the
Puako hives are in suitable volume here. My son
no negative factor to negatively affect our quality of
life.

Close & surrounding Fruit and Nut Trees would not
to the same extent. Beehives the Keane/My in
is, where. Some volunteer farms should collect the
Kauai Bees for local sale. They are rich in
Queen and Colletes.

There are a few wild colonies in the Keane
area. But along our way under the Bees are
hives.

As a former bee keeper perhaps I should a
female refer to the Spigel application. Mr. Spigel
is aware of our country and is very responsive to
any of our concerns.

Leon A. Thevenin
Regional Director
1801) 613-7969



College of the College of Hawaii

August 11, 2004

Mr. Leon A. Thevenin
104 Puako Beach Drive
Kamuela, HI 96743

VOLCANO ISLAND HONEY COMPANY

48 - 4013 Puako Road, Honokaa, HI 96727
Tel: (808) 775-1000 ~ Fax: (808) 775-0412
E-mail: rick@volcanoislandhoney.com
Web Site: www.volcanoislandhoney.com

RE: Draft Environmental Assessment (DEA) and Conservation District Use Application
(CDUA) HA-3186 for Proposed Puako Kiawe Forest Apiary
(TMK: 3-16-9-001:015), South Kohala, Island and County of Hawaii
Applicant: Volcano Island Honey Co. (VIHC)

Dear Mr. Thevenin,

Thank you so much for taking your valuable time to comment on my application for an
Apiary in the Puako forest. Your positive comments and recommendation for a favorable
response are particularly important because you have been a resident of Puako for so
long. I appreciate very much your perspective that the beehives in the forest are a
valuable resource and present no negative effect on the quality of life for Puako residents.

As you know I will make myself available to consult with you or other residents of Puako
should you encounter any problems with bees. Please do not hesitate to call me.

Sincerely,

Richard Spigel

cc: Mr. Peter Young, Director, Department of Land and Natural Resources



October 31, 2003

Richard Spiegel, President
Volcano Island Honey Co

Dear Richard Spiegel,

Congratulations on being selected as one of Whole Foods Market Inc Authentic Food Artisans for 2004. You are among a select group of organic food artisans identified and carefully chosen by Whole Foods Market from all over the world. Whole Foods Market Authentic Food Artisans exemplify commitment to excellence and all-encompassing attention to detail.

Each WFM AFA product is organic, made in small-batches from the finest ingredients, using the traditional methods of that trade. These artisans are motivated by a deep passion for their craft to make food in small quantities, according to traditional methods.

WFM is proud to award the AFA wax seal designation which recognizes that Volcano Island Honey Co. through its traditional, environmentally-sensitive methods and meticulous timing is producing a rare, world-class honey that is only producible in one unique forest on the Big Island of Hawaii.

WFM AFA Volcano Island Organic Honey will bear the official WFM AFA wax seal, and will be sold in ever single WFM across the country. We are currently at 145 stores in the US and Canada.

It is with extreme pleasure that we welcome you into our Artisan family.

Respectfully,

Annie Smith

Annie Smith
Whole Foods Product Development
Whole Foods Market, Inc.



718 Irredell St. Durham, North Carolina 27705 Tel: (919) 286-0145 Fax: (919) 286-0337

PUAKO COMMUNITY ASSOCIATION

P.O. Box 44345
Kawailahe, Hawaii 96743

January 23, 2004

To whom it may concern:

In March of 1988 we, as the Puako Community Association, wrote letters (see attached) in support of Richard Spiegel, the Owner of Volcano Island Honey Co. (formerly Ohana Honey Company) and his honey gathering operations in the Puako forest. Mr. Spiegel made a presentation to our Board of Directors, sent letters to our members and made a presentation to our membership at our annual meeting. Mr. Spiegel presented a plan to experiment with placing honeybee colonies in the kiawe forest mauka of Puako. That experiment has been and still is very successful with no negative consequences to our community. In 2000 Mr. Spiegel made a presentation to our board to review the progress of his operation and to enlist our support to encourage the implementation of nontoxic methods for a golf course that is proposed for the Puako kiawe forest.

For the past 16 years Volcano Island Honey Co. has been producing Rare Hawaiian Organic White Honey. This product is pure kiawe honey which comes exclusively from the Puako forest. It has been recognized nationally and internationally as one of the finest honeys available. Twice featured on national television, it is currently sold in small quantities all across the US and in Tokyo, Singapore and Hong Kong.

National Geographic Traveler magazine, in a feature article, calls Rare Hawaiian Organic White Honey "some of the best honey in the entire world".

This year Whole Foods Market, the largest, most upscale, natural food store chain in the U.S., with 145 stores, designated Mr. Spiegel as an Authentic Food Artisan a designation "... which recognizes that Volcano Island Honey Co. through its traditional, environmentally-sensitive methods and meticulous timing is producing a rare, world-class honey that is only producible in one unique forest on the Big Island of Hawaii."

Mr. Spiegel currently keeps his bee colonies on private land in the Puako forest. Currently, he is preparing an environmental assessment in order to receive a permit from the state of Hawaii to place some of his colonies on the state owned agricultural land mauka of Puako. He asked for our continued support and input to identify issues or concerns that we might have.

The Puako community has been the closest neighbor to Volcano Island Honey Co.'s honey gathering operation for the past 16 years with no negative effects. In fact, Mr. Spiegel makes himself or his staff available to members of the community for consultation and help to solve honeybee questions and issues that may arise.

January 23, 2004
Page two

The Puako Community Association would like to again go on record to say that we support the continued production of Rare Hawaiian Organic White Honey as an appropriate use of agricultural land mauka of the Puako community. We recognize that Rare Hawaiian Organic White Honey, and the sustainable methods developed by Mr. Spiegel, result in a rare, unique, irreplaceable resource of the Big Island of Hawaii. Volcano Island Honey Co. provides a model for low impact, sustainable, value added, certified organic, diversified farming. We are grateful to have Mr. Spiegel stewarding the kiawe forest in our backyards.

Yours truly,



George H. Robertson
Puako Community Association President

Puako Community Association
P.O. Box 44345, Kawaihae Hawaii 96743
Tel: 808-334-1711 Fax: 808-334-1710

October 25, 2000

To whom it may concern:

In March of 1988 we, as the Puako Community Association, wrote a letter (see attached) in support of Richard Spiegel the owner of Ohana Honey, now Volcano Island Honey Company. At that time (in 1988) Mr. Spiegel made a presentation to our Board of Directors, he then sent a letter to the members of our association and then made a presentation to our membership at our annual meeting. Mr. Spiegel presented a plan to experiment with placing his honey bee colonies in the forest mauka of Puako to produce honey. That experiment has been very successful.

For the past 12 years Mr. Spiegel's Volcano Island Honey Co. (formerly Ohana Honey) has been producing Rare Hawaiian White Honey, which is pure kiawe honey, from, and unique to, this forest. He has, and currently is, making this honey available to the best hotels and gift shops in the islands and to many of the best specialty food stores on the mainland and in Japan. It is a high quality, local product that represents our island well.

Mr. Spiegel has recently gained "certified organic" status for his honey from an international certification organization. That certification monitors Mr. Spiegel's husbandry techniques for purity and environmental appropriateness, making sure that no chemicals or poisons of any sort are used in any phase of his production of this honey.

We recognize that Rare Hawaiian Organic White Honey is pure kiawe honey and is produced exclusively from the unique kiawe forest at Puako. This rare honey is a unique, irreplaceable resource of the Big Island of Hawaii and its production and handling by Volcano Island Honey Company is a model for a value added, sustainable, low impact, diversified, family farming business.

The Puako Community Association would like to go on record as supporting the production of honey as an appropriate use of the agricultural land mauka of the Puako community. Specifically, we support the continued production of Rare Hawaiian Organic White Honey in the kiawe forest at Puako by the Volcano Island Honey Company.

We ask that any development that takes place in and around this unique forest be sensitive to the preservation of this irreplaceable resource. And that Volcano Island Honey Co. be assured, to the degree possible, access to this unique forest resource in order to produce this high quality product of Hawaii.

Most sincerely,



Evarifung
President

Puako Community Association