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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF: OCCL: AJR
CDUA: HA-3601

Acceptance Date: July 29, 2011
180-Day Exp. Date: January 25, 2011

MEMORANDUM

OCT 19 2011

TO: Gary Hooser, Director
Office of Environmental Quality Control (OEQC)

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands (OCCL)

SUBJECT: Final Environmental Assessment (FEA)/ Finding of No Significant Impact (FONSI) for Landscaping, Agriculture and Animal Husbandry Project located at Pepeekeo, South Hilo, Hawaii County, TMK: (3) 2-8-0028:100

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Final Environmental Assessment (FEA) for the subject use. The Draft Environmental Assessment (DEA) for this project was published in Office of Environmental Quality Control's September 8, 2011 Environmental Notice.

The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in OEQC's upcoming November 8, 2011 Environmental Notice.

We have enclosed a hard copy and a disk with a pdf. file of the FEA and the OEQC Bulletin Publication Form and Project Summary. Comments on the Draft Environmental Assessment were sought from relevant agencies and the public, and were included in the FEA.

Please contact Alex J. Roy of our Office at 808-587-0316 if you have any questions on this matter.

Attachments: *Hardcopy of Final Environmental Assessment (FEA)*
Hardcopy of OEQC Publication Form
Digital Copy (1 CD) of FEA and OEQC Publication Form

**OEQC Publication Form
The Environmental Notice**

Name of Project: Fencing of 4.25-Acre Pasture in Conservation District at Pepe'ekeo
Applicable Law: Chapter 343, HRS
Type of Document: Final EA
Island: Hawai'i
District: South Hilo
TMK: (3rd) 2-8-008:100
Permits Required: County of Hawai'i: Special Management Area Permit (obtained)
Department of Land and Natural Resources, CDUP.

RECEIVED
OFFICE OF CONSERVATION
2011 OCT 17 A 9:53
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Name of Applicant:
Address: Muhammad Yunis, Yunis Family Trust UDT
City, State, Zip: RR2 Box 3918
Pahoa HI 96778

Contact and Phone: Muhammad Yunis: 808-938-5337

Approving Agency: Office of Coastal and Conservation Lands
Hawai'i State DLNR

Address: P.O. Box 621
City, State, Zip: Honolulu HI 96809
Contact and Phone: Alex Roy: 587-0316

Consultant: Geometrician Associates

Address: PO Box 396
City, State, Zip: Hilo HI 96721
Contact and Phone: Ron Terry 808-969-7090

Project Summary: Dr. Muhammad Yunis, a doctor of Veterinary Medicine, proposes to erect a 5-foot tall hogwire or chainlink fence about 1,400 feet in length to enclose approximately 4.25 acres of existing pasture in the Conservation District in Pepe'ekeo to graze three horses. This would occur on Continental Pacific, LLC property adjacent to Agricultural District property he and his wife are buying to build a residence and raise livestock, fruit and vegetables. The grazing pasture will be carefully fenced with minimal pasture disturbance. Forage seed may be spread annually to sustain grass growth. Grass would supplement the horses' diet of imported hay and a compressed mixture of oats, barley, and grass. The area has been grazed for many years, prior to which it was farmed for sugar cane. Archaeological surveys have determined that no historic properties are present, and the vegetation is overwhelmingly non-native with only a few common native species. An adjacent 10-foot wide public pedestrian access at the top of the sea cliffs and an adjacent 10-foot wide lateral public access to the south of the area proposed for fencing would not be affected by the action, as the fence will be set 10 feet away from the boundaries of these easements.

FINAL ENVIRONMENTAL ASSESSMENT

Fencing of 4.25-Acre Pasture in Conservation District at Pepe'ekeo

TMK: (3rd) 2-8-008:100
South Hilo District, Hawai'i Island, State of Hawai'i

November 2011

Prepared for:
State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

FINAL ENVIRONMENTAL ASSESSMENT

Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘ekeo

TMK: (3rd) 2-8-008:100
South Hilo District, Hawai‘i Island, State of Hawai‘i

APPLICANT:

Muhammad Yunis, DVM
RR2 Box 3918
Pahoa HI 96778

APPROVING AGENCY:

State of Hawai‘i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

CONSULTANT:

Geometrician Associates LLC
PO Box 396
Hilo, HI 96721

CLASS OF ACTION:

Use of Land in the Conservation District

This document is prepared pursuant to:

The Hawai‘i Environmental Policy Act,
Chapter 343, Hawai‘i Revised Statutes (HRS), and
Title 11, Chapter 200, Hawai‘i Department of Health Administrative Rules (HAR).

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SUMMARY OF THE PROPOSED ACTION, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Dr. Muhammad Yunis, a doctor of Veterinary Medicine, proposes to erect a 5-foot tall hogwire or chainlink fence about 1,400 feet in length to enclose approximately 4.25 acres of existing pasture in the Conservation District in Pepe‘ekeo to graze three horses. This would occur on Continental Pacific, LLC property adjacent to Agricultural District property he and his wife are buying to build a residence and raise livestock, fruit and vegetables. The grazing pasture will be carefully fenced with minimal pasture disturbance. Forage seed may be spread annually to sustain grass growth. Grass would supplement the horses’ diet of imported hay and a compressed mixture of oats, barley, and grass. The area has been grazed for many years, prior to which it was farmed for sugar cane. Archaeological surveys have determined that no historic properties are present, and the vegetation is overwhelmingly non-native with only a few common native species. An adjacent 10-foot wide public pedestrian access at the top of the sea cliffs and an adjacent 10-foot wide lateral public access to the south of the area proposed for fencing would not be affected by the action, as the fence will be set 10 feet away from the boundaries of these easements.

PART 1: PROPOSED ACTION, PURPOSE AND NEED AND ENVIRONMENTAL ASSESSMENT PROCESS

1.1 Proposed Action, Location and Property Ownership

Dr. Muhammad Yunis, a doctor of Veterinary Medicine, proposes to erect a 5-foot tall hogwire or chainlink fence about 1,400 feet in length to enclose approximately 4.25 acres of existing pasture in the Conservation District in Pepe'ekeo, Island of Hawai'i, on TMK: (3) 2-8-008:100, through a license with the property owners Continental Pacific, LLC (Figures 1-3). The posts will be set approximately 10-12 feet apart and the corners will be tension braced. The grazing pasture will be carefully fenced with minimal pasture disturbance. Forage seed may be spread annually to sustain grass growth. Grass would supplement the horses' diet of imported hay (Timothy hay) and "cubes" (a compressed oats, barley, and grass mixture). The 4.25 acres are part of a larger property that is currently grazed by cattle. Dr. Yunis and his wife are purchasing 8.904 acres of adjacent land (also currently being grazed) in the Agricultural District on TMKs (3) 2-8-008:127 and 128 to build a residence and raise livestock, fruit and vegetables, and they require additional acreage to graze their three horses.

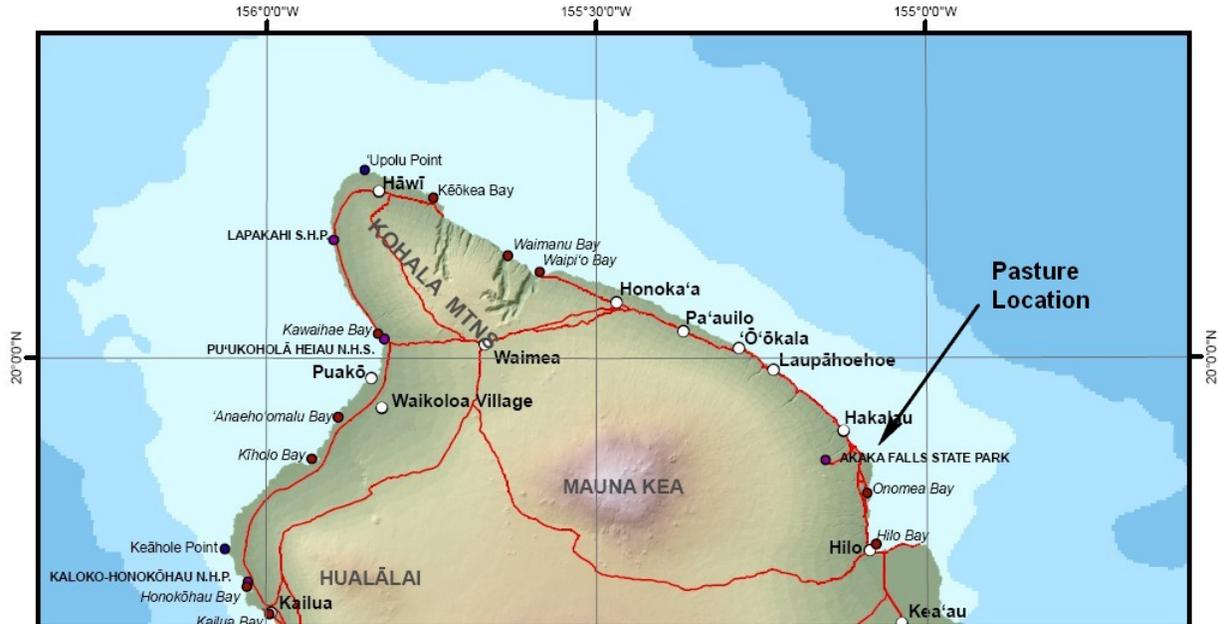
Although there will be no substantial change of use, as the project involves use of land in the Conservation District, an EA that complies with Chapter 343, Hawai'i Revised Statutes is required, along with a Conservation District Use Permit (CDUP).

The area has been grazed for many years, prior to which it was farmed for sugar cane. Archaeological surveys have determined that no historic properties are present, and the vegetation is overwhelmingly non-native with only a few common native species. An adjacent 10-foot wide public pedestrian access at the top of the sea cliffs and an adjacent 10-foot wide lateral public access to the south of the area proposed for fencing (see Figures 2-3) would not be affected by the action, as the fence will be set 10 feet away from the boundaries of these easements.

1.2 Environmental Assessment Process

This Environmental Assessment (EA) is being conducted in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai'i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai'i. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 4 of this document states the anticipated finding that no significant impacts are expected to occur; Part 5 lists each criterion and presents the preliminary findings for each made by the Hawai'i State Department of Land and Natural Resources, the approving agency. If, after considering comments to the Draft EA, the approving agency concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the agency concludes that significant impacts are expected to occur as a result of the Proposed Action, then an Environmental Impact Statement (EIS) will be prepared.

**Figure 1
Project Location Map**



**Figure 2
TMK Map**

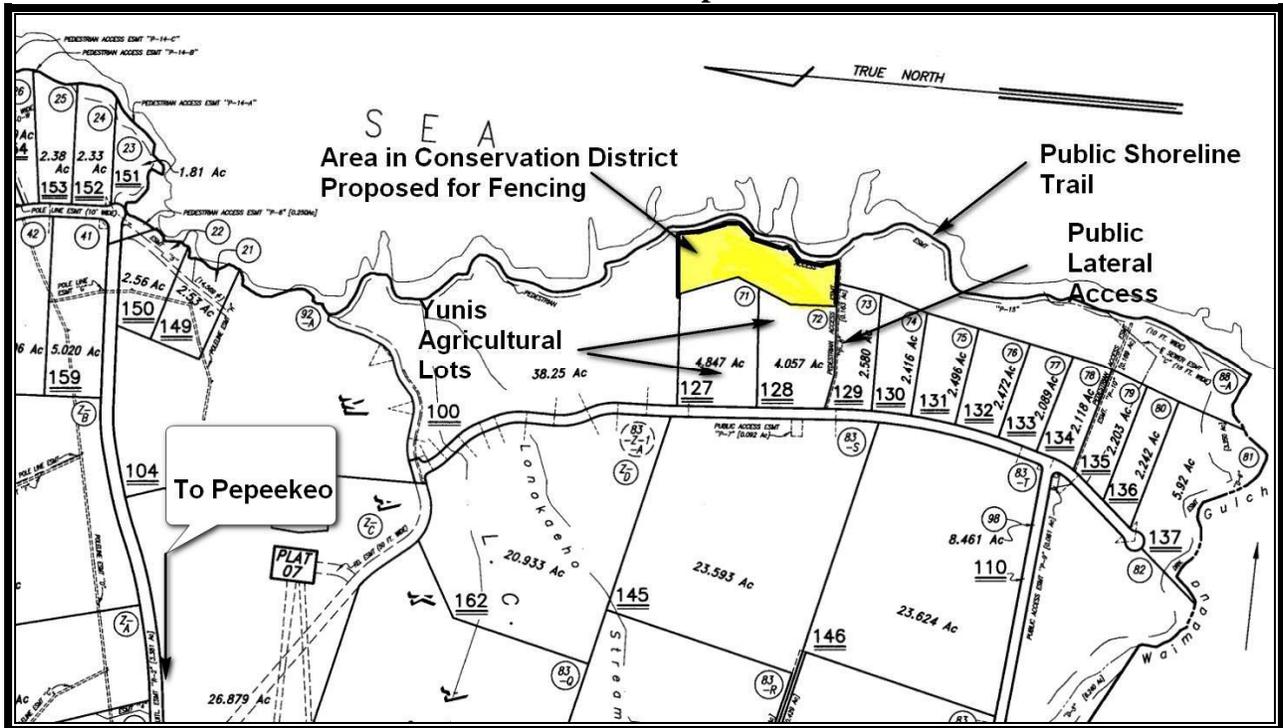


Figure 3 Project Site Photographs



Project Site from Northwest ▲ ▼ Project Site from Southeast



1.3 Public Involvement and Agency Coordination

The following agencies, organizations and individuals were consulted in development of the environmental assessment:

State:

Department of Land and Natural Resources
State Historic Preservation Division, Land Division
Department of Health
Office of Hawaiian Affairs, Honolulu and East Hawai'i

County:

Planning Department
Public Works Department
County Council
Department of Water Supply

Private:

Sierra Club
Adjacent Landowners

Copies of communications received during early consultation are contained in Appendix 1a. Appendix 1b contains written comments on the Draft EA and the responses to these comments. Various places in the EA have been modified to reflect input received in the comment letters; additional or modified non-procedural text is denoted by double underlines, as in this paragraph.

PART 2: ALTERNATIVES

2.1 Action Alternative

The proposed activity would support the Yunis family's wishes to keep the animals "at home" rather than at an off-site stable. Animals will not be bred for commercial use and the proposed improvements will not be used for commercial activities. The only alternative that can provide Dr. Yunis with the pasture area his horses require adjacent to his property for a reasonable cost is use of adjacent pasture in the Conservation District on Parcel 100. Other adjacent agricultural properties are the results of subdivision into lots of 2 to 5 acres that are designed to be used for small farms with a residence, with no area left over to lease to neighbors.

2.2 No Action

If the alternative of fencing and grazing this long-time pasture were not available, Dr. Yunis would likely have to graze his horses away from home in another location along the Hamakua Coast, reducing convenience and security and inducing extra costs and energy use. The subject area would continue to be used for cattle grazing.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Basic Geographic Setting

The location for the Proposed Action is referred to throughout this EA as the *project site*. The term *project area* is used to describe the general environs of this part of Pepe‘ekeo and the South Hilo District.

The project site is a 4.25-acre part of TMK 2-8-008:100, a 38.25-acre parcel owned by Continental Pacific LLC (see Figures 1-3). This former sugar cane land is fenced and used for grazing. A 10-foot wide public pedestrian access easement created as a condition of the subdivision is present along the *makai* edge of the project site at the top of the sea cliff. Three lateral public accesses also cross the property, including one just to the east of the properties being purchased by Dr. Yunis (Parcels 127 and 128; see Figure 2).

3.1 Physical Environment

3.1.1 Climate, Geology, Soils and Geologic Hazards

Environmental Setting

The climate in the area is mild and moist, with an average annual rainfall of about 130 inches (UH Hilo-Geography 1998:57). Geologically, the project site is located on the flanks of Mauna Kea Volcano, and the surface in the project area consists of a tilted plain, dissected by several streams, that slopes moderately upwards away from the sea cliffs. The elevation is just over 100 feet above mean sea level.

The soil is classified by the U.S. Natural Resources Conservation Service as Hilo silty clay loam, 0-10 percent slopes and 10-20 percent slopes. This dark brown and strongly to medium acid soil is approximately 12 inches thick and is moderately corrosive. Permeability is rapid, runoff slow to moderate, and erosion hazard slight to moderate; bearing capacity is low, compressibility is high, and shear strength is low (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 8 on a scale of ascending risk 9 to 1 as assessed by the United States Geological Survey (Heliker 1990:23). The low hazard risk is based on the fact that only a small percent of surrounding areas have been covered by lava in the past 10,000 years.

In terms of seismic risk, the entire Island of Hawai‘i is rated Zone 4 Seismic Hazard (*Uniform Building Code, 1997 Edition*, Figure 16-2). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built. The project site does not appear to be subject to subsidence, landslides or other forms of mass wasting.

Impacts and Mitigation Measures

In general, geologic conditions impose no constraints on the Proposed Action, which would simply fence in 4.25 acres of an existing pasture to provide a structured grazing area for horses, and the Proposed Action is not imprudent to undertake. No structures are involved and no there is thus no seismic risk to structures.

3.1.2 Drainage, Water Features and Water Quality

Existing Environment

The Federal Emergency Management Agency (FEMA) has not printed Flood Insurance Rate Maps (FIRM) for the area, but consultation of maps at the County Department of Public Works has determined that the project site is in Flood Zone X, outside of the 500-year floodplain. No known areas of local (non-stream related) flooding are present on the project site. Large extents of the Island of Hawai'i have been struck by several highly destructive tsunamis in historic times. The May 23, 1960 tsunami had a runup of 35 feet at Hilo Bay, killing 61 people and destroying about 540 homes and businesses while the April 1, 1946 tsunami had a runup at Hilo Bay of 25 feet (*Atlas of Hawai'i*, 3rd edition). Maps printed by the Pacific Tsunami Warning Center and the Hawai'i County Civil Defense Agency locate the parcel in the area that is not required to be evacuated during a tsunami warning because of its elevation more than 100 feet above sea level (<http://www5.hawaii.gov/tsunami/maps.asp>).

Impacts and Mitigation Measures

Because no new construction is involved other than fencing, and the grazing would be a continuing use, additional risks for flooding associated with the Proposed Action are negligible.

Manure will be collected and used to fertilize fruit trees, vegetables and flowers on the residential agricultural lots *mauka* of the horse pasture. This sustainable practice will prevent manure from contaminating ocean waters. It bears emphasis that the area is an existing cattle pasture on which there is currently no manure collection.

3.1.3 Flora, Fauna and Ecosystems

Existing Environment

The natural vegetation of this part of the South Hilo was most likely lowland rain forest dominated by 'ōhi'a (*Metrosideros polymorpha*) and koa (*Acacia koa*), with coastal plants such as hala (*Pandanus tectorius*) and naupaka (*Scaevola sericea*) on and near the cliffs (Gagne and Cuddihy 1990). These original communities, however, have been destroyed or heavily degraded by traditional farming, sugar cane plantations, and grazing, either directly through removal or indirectly through introduction and favoring of invasive, non-native plants. Reconnaissance of the site by the author of this EA in June 2011 found no trace of the original vegetation at the project site, which is a pasture invaded by weedy grasses and shrubs (see Figure 3). Dominant plants include the non-natives Hilo grass (*Paspalum conjugatum*),

Guinea grass (*Panicum maximum*), goosegrass (*Eleusine indica*), and prickly solanum (*Solanum torvum*). The indigenous sedge *Fimbristylis dichotoma* and the non-native sensitive plant (*Mimosa pudica*) are also present. Trees located off the project site but nearby include ironwood (*Casuarina equisetifolia*), albizia (*Falcataria moluccana*), hala, coconut (*Cocos nucifera*), and banyan (*Ficus microcarpa*). No plants listed as threatened or endangered (USFWS 2011) were observed or would be expected on the site.

The project site would not appear to offer habitat for native fauna. During several reconnaissances of the project site only Common Myna (*Acridotheres tristis*) and Northern Cardinal (*Cardinalis cardinalis*) have been observed. Wide-ranging endangered animals that could forage in the general area include the Hawaiian hoary bat (*Lasiurus cinereus semotus*), which ranges throughout the entire island and roosts in trees or large shrubs taller than 15 feet, and the Hawaiian Hawk (*Buteo solitarius*), which hunts throughout forested areas of the island of Hawai‘i and nests in large trees. No woody vegetation tall enough to have habitat value for either species is present on the project site.

Impacts and Mitigation Measures

Because of the lack of threatened or endangered species or native ecosystems on the project site, the Proposed Action would have no adverse impacts to biological resources.

3.1.4 Air Quality, Noise and Scenic Resources

Environmental Setting

Air pollution in rural East Hawai‘i is minimal, and is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that occasionally blankets the district. Persistent trade winds keep the area relatively free of vog for most of the year.

Noise on the project site is very low and is derived mainly from the sea and wind, with minor contributions from occasional passing motor vehicles, overhead airplanes, and grazing animals.

As a pasture near a sea cliff, the project site is moderately scenic, although views to/from the sea are mostly blocked by ironwoods, and views of the site from the nearest road are limited by topography. No sites considered significant for their scenic character in the Hawai‘i County General Plan are present nearby.

Impacts and Mitigation Measures

The Proposed Action continues an existing use with the addition of fencing, and it would not measurably affect air quality, noise levels or scenic sites, including any recognized in the Hawai‘i County General Plan.

3.1.5 Hazardous Substances, Toxic Waste and Hazardous Conditions

Environmental Setting, Impacts and Mitigation Measures

No professional evaluation such as a Phase I Environmental Site Assessment was conducted for the project site, but the history of use of the site and its surroundings does not suggest the presence of hazardous materials. Informal visual surveys of the project site and its surroundings did not indicate the presence of structures, equipment or storage containers that might be indicative of hazardous material use. Therefore, based upon prior and present use of the project site, no hazardous substances, toxic wastes or hazardous conditions are expected to be present on the project site. The Proposed Action would not involve any impacts related to production of, or exposure to, such substances or conditions.

3.2 Socioeconomic and Cultural

3.2.1 Socioeconomic Characteristics

The project occurs near the community of Pepe‘ekee, which according to the United States 2010 Census of Population contains 1,789 residents (<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>). Typical of the Hamakua coast, whites make up 12.9 percent of the population, Asians, 43.0 percent, Native Hawaiian/Pacific Islanders 12.2 percent, and those claiming two or more races 29.9 percent. The median age is 40.4 years and the average household size is 2.84 persons. Only 6.5 percent of homes are vacant. Since the closure of the sugar cane plantations that formerly dominated the region, land use in Pepe‘ekee has converted to farming and grazing, with considerable unused areas as well.

Impacts

The Proposed Action would facilitate continued use of the project site for grazing, for which it has been used since the early 1990s. The more careful management of these 4.25 acres for grazing by sheep and horses would improve production on this pasture and would have economic benefit for the owner and the greater community.

3.2.2 Cultural Resources

Background

The project site is part of the *ahupua‘a* of Makaanahaloa. In the Mahele, the land was awarded to via Land Commission Award 8559-B 17&18 to William Lunalilo. No *kuleana* or native claims were present on or near the project site. Traditional uses of the area likely included residences and dryland agriculture in the rich soils.

Sugar plantations cultivated the land for sugar, and the surrounding area in and near the town of Pepe‘ekee was used for industrial (sugar milling and equipment repair), residential and other purposes. Cultivation for sugar cane has completely obliterated any traces of former cultivation or land use on the project site. Immigrants from all over the world came to Hawai‘i and attempted to recreate many of their

traditions and institutions, slowly acclimating to the culture of Hawai‘i, which was itself in flux. Many buildings, cemeteries, churches and other locations have special and unique cultural value as expressions of the plantation era. There is an old sugar mill located less than half a mile to the northwest that is in the process of being converted to a biomass power plant. The project site was farmed in sugar cane and does not appear to have been used for residences, mill yards, cemeteries or other purposes, although the course of an old flume is still visible in the excavated terrain. There are no records or remains of plantation cemeteries on the project site that would have cultural value related to the plantation era and the traditions of the workers.

Ongoing cultural uses of the Hamakua coast in general include gathering of *opihi* and sea urchins as well as net and shoreline fishing. The high sea cliffs and rough ocean conditions of the project area severely reduce accessibility and the intensity and frequency of use of the shoreline. However, some of the shoreline in Pepe‘eoko is accessible through rope ladders and carved steps, which can still be accessed by the public pedestrian access.

Existing Resources

No sites are listed on the National and State Register of Historic Places in this area. The archaeology firm PHRI prepared an archaeological study of various properties, including TMK 2-8-008:003, prior to its subdivision into the lots that include the project site (see Appendix 2). The survey concluded that although the area may have been occupied and/or utilized by native Hawaiians for residential occupation and/or dryland agricultural activities prior to historic plantation activities, over a century of sugar cane cultivation and more recent grubbing activities have obliterated any traces. The only historic sites present in the entire inspected area were Chinese and Japanese cemeteries located more than a mile to the northwest of the project site. The archeological study determined that no archeological resources or other historic properties were located on or near the project site, a finding concurred with by the State Historic Preservation Division (SHPD) (see letter from September 9, 2003 from SHPD in Appendix 2).

No cultural sites appear to be present and no ongoing cultural practices occur on the 4.25-acre project site, which is a fenced and active cattle pasture. No caves, springs, *pu‘u*, native forest groves, battlegrounds, resource gathering areas or other cultural features are present on or near the project site. The project site does not support any traditional resource uses, nor are there any Hawaiian customary and traditional rights or practices known to be associated with the project site. The applicant acknowledges and respects the right of native Hawaiians and others to utilize the public pedestrian access and to engage in traditional cultural activities, including fishing and gathering, on the shoreline *makai* of the project site.

Impacts and Mitigation Measures

As it currently appears that no resources or practices of a potential traditional cultural nature (i.e., landform, vegetation, etc.) appear to be present on or near the project site, and there is no evidence of any traditional gathering uses or other cultural practices, the proposed construction of a fence and continued use as a pasture would not likely impact any culturally valued resources or cultural practices. Although there are no indications so far from literature review or consultation with the State Historic Preservation Division, the Office of Hawaiian Affairs, or neighbors who might be knowledgeable about Hawaiian

cultural practices that there are any traditional cultural properties or practices on the project site, various parties including the Office of Hawaiian Affairs and State Historic Preservation Division were supplied a copy of the Draft EA in order to help finalize this finding. No comments on the Draft EA from these or other parties indicating such practices or properties were received.

In the unlikely event that archaeological resources or human remains are encountered during fence post emplacement or any other activities within the horse pasture, work in the immediate area of the discovery should be halted and DLNR-SHPD contacted as outlined in Hawai'i Administrative Rules 13§13-275-12.

3.2.3 Recreation

Existing Environment

As discussed in Section 1.1, mapped in Figure 2 and shown in the photos in Figure 3, *makai* of the area proposed for fencing is a 10-foot wide public pedestrian access at the top of the sea cliffs. Immediately adjacent to the southeast is a 10-foot wide lateral public access. These accesses are used by the public to walk on the area landward of the sea cliffs and occasionally to access the steep, rocky coastline below for fishing and gathering. No accessible shoreline is located directly *makai* of the pasture area but access areas are present to the southeast and northwest.

Impacts and Mitigation Measures

Neither the public accesses nor use of them would be adversely affected by the proposed fencing and continuation of pasture use. The fence will be set 10 feet away from the boundaries of these easements. The applicant acknowledges and respects the right of native Hawaiians and others to utilize the public pedestrian access and to engage in traditional cultural activities, including fishing and gathering, on the shoreline *makai* of the project site. In a comment on the Draft EA (see Appendix 1b), Debbie Chang of Island Transitions LLC requested a CDUP condition for moving the fence inland in the event of coastal erosion. This condition is actually part of his license agreement for use of the property. For the purposes of clarity, it is recommended that the CDUP condition state that Dr. Yunis shall be required to relocate the *makai* portion of the fence to an appropriate location upon notification by either DLNR or the Hawai'i County Planning Department that coastal erosion requires moving the public access to within the fenced area.

3.3 Infrastructure

Existing Facilities and Services, Impacts and Mitigation Measures

The property is accessed from a paved private road named Loa Street. Electrical power to the applicant's future property adjacent to the project site is supplied by Hawai'i Electric Light Company (HELCO), and telephone service is available from Hawaiian Telcom. No water or wastewater service is available necessary. Horse watering would utilize catchment water. No impacts to any public service or utility would occur under the Proposed Action.

3.4 Secondary and Cumulative Impacts

Neither the Proposed Action nor any alternative would involve any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. At the current time, there do not appear to be any other projects or actions in the area that would tend to produce adverse cumulative effects or involve a commitment for larger actions. In any case, the adverse effects of the Proposed Action are very limited in severity, nature and geographic scale and do not appear to generate any adverse impacts that would tend to accumulate with those of other actions or projects.

3.5 Required Permits and Approvals

The Proposed Action requires granting of a Conservation District Use Permit (pending completion of the EA process) by the State of Hawai‘i and a Special Management Area permit (obtained; see Appendix 1a) from the County of Hawai‘i. No other permits or approvals are required.

3.6 Consistency With Government Plans and Policies

3.6.1 Hawai‘i State Plan

Adopted in 1978 and last revised in 1991 (Hawai‘i Revised Statutes, Chapter 226, as amended), the Plan establishes a set of themes, goals, objectives and policies that are meant to guide the State’s long-run growth and development activities. The three themes that express the basic purpose of the *Hawai‘i State Plan* are individual and family self-sufficiency, social and economic mobility and community or social well-being. The Proposed Action would not in any way be detrimental to these goals.

3.6.2 Hawai‘i County General Plan, Zoning and Special Management Area

The *General Plan* for the County of Hawai‘i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai‘i. The plan was adopted by ordinance in 1989 and revised in 2005 (Hawai‘i County Planning Department). The *General Plan* itself is organized into thirteen elements, with policies, objectives, standards, and principles for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai‘i. Most relevant to the Proposed Action are the following Goal and Policies, and Courses of Action:

ECONOMIC – COURSES OF ACTION

- Assist the further development of agriculture. A program to expand agriculture should be developed and implemented

RECREATION – GOALS AND POLICIES

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.
- Public access to the shoreline shall be provided in accordance with an adopted program of the County of Hawaii.
- Develop a network of pedestrian access trails to places of scenic, historic, natural or recreational values. This system of trails shall provide, at a minimum, an islandwide route connecting major parks and destinations.

Discussion: The Proposed Action is consistent with the goals and policies of the General Plan, including those calling for expansion of agriculture and ensuring public access.

The *Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG)*. The LUPAG map component of the *General Plan* is a graphic representation of the Plan’s goals, policies, and standards as well as of the physical relationship between land uses. It also establishes the basic urban and non-urban form for areas within the planned public and cultural facilities, public utilities and safety features, and transportation corridors. The project site is classified as Open in the LUPAG. The Proposed Action is consistent with this designation.

Hawai‘i County Zoning. The 4.25-acre license area for the pasture that makes up the project site is zoned A-20a (Agricultural-20 acre minimum lot size) by the County. The Proposed Action is a permitted and intended use within this designation, subject to the requirements of the Special Management Area and Conservation District discussed below.

Hawai‘i County Special Management Area. The project site is situated within the within the County’s Special Management Area (SMA) and the Proposed Action has received an SMA Minor Permit. In a letter of June 8, 2011, the County of Hawai‘i Planning Department stated:

“We are writing in response to your letter received on April 25, 2011, requesting that parcel 100 be included in the Special Management Area Minor Use Permit No. 11-000173 (SMM-11-000173) which allowed the installation and repair of fencing for livestock and farming on subject parcels 127 and 128. On April 4, 2011, SMM-11-000173 was issued to parcels 127 and 128. The owner of parcel 100 has since authorized the applicant, Mr. Yunis, to apply for the necessary permits to install fencing for his proposed livestock area on a portion of the parcel. In addition, the owner has drafted a “License for Shoreline Access” over a portion, or “license area,” of the subject parcel 100. The subject property consists of 38.25 acres. However, the proposed license area is approximately 4.25 acres.”

The June 9, 2011 letter from the Planning Department went on to state that the fence is considered “development” per SMA rules and that it required an SMA Minor Permit. The Planning Department amended SMM-11-000173 to allow the fence, with the following conditions:

1. At no time shall the landowner or applicant restrict or impede access to the ten foot wide pedestrian access easement located on parcel 129 or the ten foot wide lateral public pedestrian shoreline access easement located on the subject property.
2. No land alteration, grubbing, landscaping, or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within the fifty foot shoreline setback area.
3. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the installation of the fencing within one (1) year from the date of approval of this revised permit.

3.6.3 Hawai‘i State Land Use Law

All land in the State of Hawai‘i is classified into one of four land use categories – Urban, Rural, Agricultural or Conservation – by the State Land Use Commission, pursuant to Chapter 205, HRS. The property is in the State Land Use Conservation District. The Office of Coastal and Conservation Lands (OCCL) determined that the Proposed Action requires a Conservation District Use Permit (CDUP).

The Conservation District Use Application to which this EA is an appendix contains a full discussion of the consistency with the criteria for granting CDUPs. A summary is provided below.

Is the proposed land use consistent with the purpose of the Conservation District?

Pursuant to Section 13-5-23, agriculture within an area of more than one acre, defined as the planting, cultivating and harvesting or horticultural crops, floricultural crops, or forest products, or animal husbandry, is an identified land use in the Conservation District. There are no historic and cultural resources, significant flora or fauna or habitat and water resources on the premises. The proposed fence will be constructed with minimal modification to the land in order to preserve the existing physical and environmental aspects of the subject area.

Is the proposed use consistent with the objectives of the subzone of the land in which the use will occur?

The objective of the Resource Subzone is to designate open space where specific conservation uses may not be defined, but where urban uses would be premature. Agricultural activities are a permitted use in the Resource Subzone with a management plan, which has been prepared as part of the CDUA.

Does the proposed land use comply with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled “Coastal Zone Management” where applicable?

In granting an SMA Minor Permit (SMM #11-000173) for the use (see Appendix 1a), the County has determined that the use is consistent with the provisions and guidelines contained in Chapter 205 A HRS.

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

Construction of the fence will be confined to are under license to the Applicant and the proposed use should not adversely affect natural resources within surrounding area, community, or region. The proposed use involves continued grazing in an area that is not highly sensitive, in that it contains no native vegetation, streams or other water bodies, historic properties or resources important for gathering or other cultural purposes. The surrounding area is also utilized for grazing. Public shoreline access and lateral access will be fully protected.

Describe how the proposed land use, including buildings, structures and facilities, will be compatible with the locality and surrounding areas, and to the physical conditions and capabilities of the specific parcel or parcels.

The proposed cattle fencing would be similar to fencing found in the subject and surrounding properties, which already contain grazing uses. Dr. and Mrs. Yunis are planning to build a farm dwelling and barn on the adjacent properties in the SLU Agricultural District, and the fencing will be compatible with and supportive of this use. The adjacent public shoreline access will not be affected.

Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

Although the pasture fence will be visible, it matches fences in other portions of this and nearby properties, and the use of existing pasture in the Conservation District will not be changed or disturbed. Natural beauty and open space, which are partly the result of cattle grazing, which keep brush down and views open, will be preserved. The action will preserve the existing environmental aspects of the land as well as natural beauty and open space characteristics.

If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

Not Applicable. Applicant does not plan to subdivide the property.

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

Construction of the proposed fence will comply with existing public health, site work, and building codes and regulations cited below.

PART 4: DETERMINATION

Based on the findings below, and upon consideration of comments to the Draft EA, the Hawai'i State Board of Land and Natural Resources is expected to determine that the Proposed Action will not significantly alter the environment, as impacts will be minimal, and is expected therefore to issue a Finding of No Significant Impact (FONSI).

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawai'i Administrative Rules, outlines those factors agencies must consider when determining whether an action has significant effects:

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resources would be committed or lost. The project site and surrounding area support existing grazing uses as well as a public pedestrian access, none of which will be affected by the Proposed Action.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* The Proposed Action expands and in no way curtails beneficial uses of the environment.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State's long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The Proposed Action is minor and fulfills aspects of these policies calling for an improved socioeconomic environment. It is thus consistent with all elements of the State's long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The Proposed Action will not affect the social welfare of the community and will contribute to the economy and social well-being.
5. *The proposed project does not substantially affect public health in any detrimental way.* The Proposed Action will not affect public health in any way.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* No adverse secondary effects are expected to result from the Proposed Action.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The Proposed Action is minor and environmentally benign, and would thus not contribute to environmental degradation.
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The project site is a pasture dominated by non-native species and contains no native vegetation or habitat for native fauna. Impacts to rare, threatened or endangered species of flora or fauna will not occur.
9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The Proposed Action is generally not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions.
10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels.* No adverse effects on these resources would occur.
11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Although the project site is in an area with volcanic and seismic risk, the entire Island of Hawai'i shares this risk, and the Proposed Action is not imprudent to undertake.

12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* No scenic vistas and viewplanes identified in the Hawai‘i County General Plan will be adversely affected by the Proposed Action.
13. *The project will not require substantial energy consumption.* The Proposed Action does not involve any substantial energy use, and no adverse effects would be expected.

For the reasons above, the Proposed Action will not have any significant effect in the context of Chapter 343, Hawai‘i Revised Statutes and section 11-200-12 of the State Administrative Rules.

REFERENCES

- Gagne, W., and L. Cuddihy. 1990. "Vegetation," pp. 45-114 in W.L. Wagner, D.R. Herbst, and S.H. Sohmer, eds., *Manual of the Flowering Plants of Hawai‘i*. 2 vols. Honolulu: University of Hawai‘i Press.
- Handy, E.S.C., and E. Handy (with M.K. Pukui).. 1972. *Native Planters in Old Hawai‘i*. B.P. Bishop Museum Bulletin 233. Bishop Museum Press, Honolulu.
- Hawai‘i County Planning Department. 2005. *The General Plan, County of Hawai‘i*. Hilo.
- Heliker, C. 1990. *Volcanic and Seismic Hazards on the Island of Hawai‘i*. Washington: U.S. GPO.
- U.S. Dept. of Commerce, Bureau of the Census. <http://factfinder.census.gov/>. (accessed June 2011).
- U.S. Soil Conservation Service. 1973. *Soil Survey of Island of Hawai‘i, State of Hawai‘i*. Washington: USDA Soil Conservation Service.
- University of Hawai‘i at Hilo, Dept. of Geography. 1998. *Atlas of Hawai‘i*. 3rd ed. Honolulu: University of Hawai‘i Press.
- U.S. Fish and Wildlife Service (USFWS). 2011. USFWS Threatened and Endangered Species System (TESS). Washington: GPO. http://ecos.fws.gov/tess_public/StartTESS.do. (accessed June 2011).
- Wolfe, E.W., and J. Morris. 1996. *Geologic Map of the Island of Hawai‘i*. USGS Misc. Investigations Series Map i-2524-A. Washington, D.C.: U.S. Geological Survey.

ENVIRONMENTAL ASSESSMENT

Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘ekeo

Appendix 1a Comments in Response to Early Consultation and SMA Permit

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:
EPO-11-099

May 31, 2011

Mr. Ron Terry, Principal
Geometrician Associates
P.O. Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

**SUBJECT: Early Consultation for Environmental Assessment for Pasture Use
Pepe`ekeo, Island of Hawai`i
TMK: (3) 2-8-008:100**

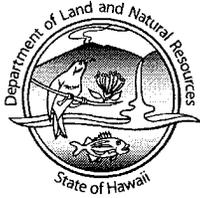
Thank you for allowing us to review and comment on the subject document. We will route to the various branches of the Environmental Health Administration when we receive your Draft Environmental Assessment for the above project. We have no comments at this time, but reserve the right to future comments. We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this application should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist). The Hawaii State Department of Health, Built Environment Working Group, recommends that State and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

If there are any questions about these comments please contact the Environmental Planning Office at 586-4337.

Sincerely,

GENEVIEVE SALMONSON, Acting Manager
Environmental Planning Office



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 13, 2011

Geometrician Associates, LLC
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry, Principal

Ladies and Gentlemen:

Subject: Early Consultation for Environmental Assessment for Pasture Use

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of Forestry & Wildlife, Engineering Division, Office of Conservation & Coastal Lands, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0414. Thank you.

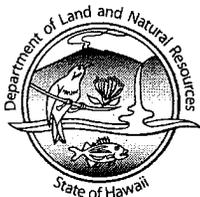
Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

fa Russell Y. Tsuji
Administrator



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
11 MAY 26 PM 02:37



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 24, 2011

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division –
 Historic Preservation

RECEIVED
LAND DIVISION
2011 MAY 24 9:01
DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

Charlene

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Early Consultation for Environmental Assessment for Pasture Use
LOCATION: Island of Hawaii
APPLICANT: Geometrician Associates, LLC on behalf of Dr. Muhammad Yunis

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 13, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
Date: 5/31/11

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Charlene Unoki

Ref.: Early Consultation EA Pasture Use

Hawaii.515

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ____.
- (X) **Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in an area of Minimal Tsunami Inundation. The National Flood Insurance Program does not have any regulations for developments within the Minimal Tsunami Inundation areas.**
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Carter Romero at (808) 961-8943 of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional comments : _____

- () Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 5/31/11



Area: 414 7-225

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MAY 27 P 3:13
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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& COASTAL LANDS
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NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 24, 2011

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division -
 - Historic Preservation

Chaulen

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Early Consultation for Environmental Assessment for Pasture Use
LOCATION: Island of Hawaii
APPLICANT: Geometrician Associates, LLC on behalf of Dr. Muhammad Yunis

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 13, 2011.

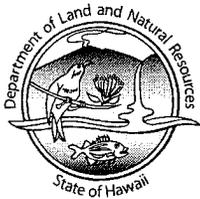
If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Down E. Hepper*
Date: *5/26/11*

A Conservation District Use Application and Draft Environmental Assessment is required to be submitted, processed, and approved by the Board of Land and Natural Resources.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

→ For Section

May 24, 2011

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division –
 Historic Preservation

Charlene

FROM: Charlene Unoki, Assistant Administrator
SUBJECT: Early Consultation for Environmental Assessment for Pasture Use
LOCATION: Island of Hawaii
APPLICANT: Geometrician Associates, LLC on behalf of Dr. Muhammad Yunis

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 13, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

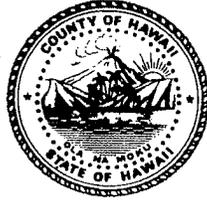
Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: Paul J. Unoki
Date: 6/1/11

RECEIVED
LAND DIVISION
2011 JUN -9 PM 3:26

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 15, 2011

Mr. Ron Terry
Geometrician Associates, LLC
P.O. Box 396
Hilo, HI 96721

Dear Mr. Terry:

SUBJECT: Early Consultation for Draft Environmental Assessment
Project: Fencing for Pasture Use
TMK: (3) 2-8-008:100; Makahanaloa, South Hilo, Hawai'i

Thank you for your letter dated May 23, 2011 requesting comments from this office regarding the preparation of a Draft Environmental Assessment (DEA). The applicant, Mr. Yunis, is purchasing adjacent lands to raise livestock, fruit and vegetables. The applicant is also planning to build his residence on the neighboring parcel. The owner of the subject property, Continental Pacific, LLC, is granting a license to Mr. Yunis for the right to fence and pasture four acres of the subject parcel located makai of the properties he is purchasing.

The subject property consists of 38.25 acres. However, the proposed license area is approximately 4.25 acres. The license area is zoned A-20a (Agricultural-20 acre minimum lot size) by the County and designated Conservation by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject license area as Open. In addition, the entire license area is located within the Special Management Area (SMA).

On June 9, 2011, our office issued an amendment to Special Management Area Minor Permit No.11-000173 (SMM-11-000173) to allow installation of new five (5) foot high hog wire fencing within the subject license area.

We have no further comments to offer, at this time. However, please keep us informed and provide our department with a copy of the Draft Environmental Assessment for our review and comment.

Mr. Ron Terry
Geometrician Associates, LLC
June 15, 2011
Page 2

If you have any questions or if you need further assistance, please feel free to contact
Bethany Morrison of this office at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs

P:\wpwin60\Bethany\EA-EIS Review\consultdraftea Yunis fencing and pasture.doc

Aloha Ron- The Office of Hawaiian Affairs (OHA) is in receipt of your May 23, 2011 letter seeking comments ahead of a draft environmental assessment to support a fencing project within the Conservation District in Pepeekeo on the Island of Hawai'i.

OHA has no substantive comments at this time. We do look forward to the opportunity to review the DEA when it is available and provide comments at that time. Should you have any questions, please feel free to contact me.

Thank you, Keola Lindsey

*Keola Lindsey
Office of Hawaiian Affairs
Compliance & Monitoring Program
711 Kapiolani Boulevard
Honolulu, Hawaii 96813
keolal@oha.org (email)
(808) 594-0244 (office)*

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 9, 2011

Mr. Muhammad Yunis
RR 2 Box 3918
Pahoa, Hawai'i 96778

Dear Mr. Yunis:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 11-000635)
Special Management Area Minor Permit No. 11-000173
Applicant(s): Muhammad Yunis
Land Owner: Continental Pacific, LLC
Request: Install and Repair Fencing for Livestock and Farming
Tax Map Key: (3) 2-8-008:127, 128, 100; Makahanaloa, South Hilo, Hawai'i**

We are writing in response to your letter received on April 25, 2011, requesting that parcel 100 be included in the Special Management Area Minor Use Permit No. 11-000173 (SMM-11-000173) which allowed the installation and repair of fencing for livestock and farming on subject parcels 127 and 128.

On April 4, 2011, SMM-11-000173 was issued to parcels 127 and 128. The owner of parcel 100 has since authorized the applicant, Mr. Yunis, to apply for the necessary permits to install fencing for his proposed livestock area on a portion of the parcel. In addition, the owner has drafted a "License for Shoreline Access" over a portion, or "license area," of the subject parcel 100. The subject property consists of 38.25 acres. However, the proposed license area is approximately 4.25 acres.

The license area is zoned A-20a (Agricultural-20 acre minimum lot size) by the County and designated Conservation by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject license area as Open. In addition, the entire license area is located within the Special Management Area (SMA).

Mr. Muhammad Yunis

June 9, 2011

Page 2

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the fencing is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), SMM-11-000173 is hereby amended to allow installation of new five (5) foot high hog wire fencing within the subject license area as shown on the Exhibit A. In addition to those conditions listed in the original SMM-11-000173 permit; this amendment is subject to the following conditions:

1. At no time shall the landowner or applicant restrict or impede access to the ten foot wide pedestrian access easement located on parcel 129 or the ten foot wide lateral public pedestrian shoreline access easement located on the subject property.
2. No land alteration, grubbing, landscaping, or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within the forty foot shoreline setback area.
3. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the installation of the fencing within one (1) year from the date of approval of this revised permit.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

Mr. Muhammad Yunis
June 9, 2011
Page 3

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,


BJ LEITHEAD TODD
Planning Director

BJM:cs

P:\wpwin60\CZM\Letters\2011\SMM 11-173 Yunis ltr revised.doc

cc: Long Range Planning Division

Planning Division

Continental Pacific LLC
P.O. Box 1350
Santa Rosa Beach, FL 32459

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

Mr. Jesse K. Souki, Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

ENVIRONMENTAL ASSESSMENT

Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘ekeo

Appendix 1b Comments to Draft EA and Responses

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAULUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

Yunis Family Trust UDT
RR2 Box 3918
Pahoa, HI 96778

CDUA HA-3601
Acceptance Date: July 29, 2011
180-Day Expiration Date: January 25, 2012

OCT - 6 2011

SUBJECT: *Landscaping, Agriculture and Animal Husbandry Project*
TMK: (3) 2-8-008:100
Pepeekeo, South Hilo, Hawaii County, HI

Dear Yunis Family Trust:

This letter is regarding the processing of Conservation District Use Application (CDUA) **HA-3601**. The public and agency comment period on this application will close on October 7, 2011. Attached to this letter are copies of the comment sheets received by the Office of Conservation and Coastal Lands (OCCL) regarding the CDUA. At this time no agency or public comments have been received. Should you have received any comments directly, please include a copy of the comments and your response to the OCCL directly. Please include the comment sheets provided with the final Environmental Assessment (EA). These responses can be attached to the end of the final EA document.

Please send 1 hard copy and 1 CD (pdf format) of your final EA to the OCCL. In addition, please send an electronic copy of the Office of Environmental Quality Control (OEQC) Publication Form to OCCL staff at alex.j.roy@hawaii.gov. If the project summary has changed, include a new summary. Should the OCCL determine a Finding of No Significant Impact (FONSI) for the final version of the Environmental Assessment, we shall forward the final EA and publication form to the OEQC. An early submittal of the requested documents will expedite the permitting process; please submit the final EA to the OCCL by October 24, 2011.

Should you have any questions, please contact Alex J. Roy of our Office of Conservation and Coastal Lands at (808) 587-0316.

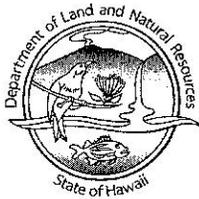
Sincerely,

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

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Land

Attachments: 6 pages of agency comment sheets

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

COASTAL LANDS

2011 AUG 20 12:13

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
STATE OF HAWAII
LAND DIVISION
HILO, HAWAII

REF:OCCL:DH

CDUA HA-3601

Acceptance Date: July 29, 2011
180-Day Exp. Date: January 25, 2012
SUSPENSE DATE:
21 Days from stamped date
AUG - 8 2011

MEMORANDUM

TO:

State Agencies:

- DLNR-Hawaii District Land Office
- DLNR-Forestry and Wildlife
- DLNR-Historic Preservation Division
- DLNR-Conservation and Resource Enforcement
- DLNR-Engineering Division
- DLNR - Commission Water Resource Management

County Agencies:

- Hawaii County Planning Dept.
- Pepeekeo Community Association
- DOH-Environmental Planning Office
- Office of Hawaiian Affairs
- OEQC

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS
CDUA HA-3601 - Landscaping, Agriculture, Animal Husbandry

APPLICANT: Yunis Family Trust UDT, RR2 Box 3918, Pahoa, Hawaii, 96778

TMK: (3) 2-8-008:100

LOCATION: Pepeekeo, Island of Hawaii

PUBLIC HEARING: NOT REQUIRED

Attached please find CDUA HA-3571 and our Department's notice to the applicant. We would appreciate your department's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp. Please contact Dawn Hegger, Senior Planner, at (808) 587-0380 should you have any questions on this matter.

- Comments Attached
- No Comments

Signature

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
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DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



2011 AUG -9 AM 11: 46

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:DH

CDUA HA-3601

Acceptance Date: July 29, 2011
180-Day Exp. Date: January 25, 2012

SUSPENSE DATE:
21 Days from stamped date

AUG - 8 - 2011

MEMORANDUM

TO:

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- ___ DLNR-Forestry and Wildlife
- ___ DLNR-Historic Preservation Division
- ___ DLNR-Conservation and Resource Enforcement
- ___ DLNR-Engineering Division
- ___ DLNR - Commission Water Resource Management

County Agencies:

- Hawaii County Planning Dept
- ___ Pepeekeo Community Association
- ___ DOH-Environmental Planning Office
- ___ Office of Hawaiian Affairs
- ___ OEOC

FROM:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT:

REQUEST FOR COMMENTS

APPLICANT:

CDUA HA-3601 - Landscaping, Agriculture, Animal Husbandry

TMK:

Yunis Family Trust UDT, RR2 Box 3918, Paho, Hawaii, 96718
(3) 2-8-008:100

LOCATION:

Pepeekeo, Island of Hawaii

PUBLIC HEARING:

NOT REQUIRED

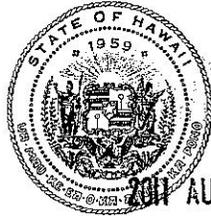


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- () Comments Attached
- No Comments

Signature

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



CONSERVATION
COASTAL LANDS

2011 AUG 12 P 2: 58

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

→ NAAH - public access issues

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

REF:OCCL:DH

CDUA HA-3601

Acceptance Date: July 29, 2011
180-Day Exp. Date: January 25, 2012

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21 Days from stamped date
AUG - 8 2011

MEMORANDUM

TO:

State Agencies:

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- DLNR - Commission Water Resource Management

County Agencies:

- Hawaii County Planning Dept.
- Pepeekeo Community Association
- DOH-Environmental Planning Office
- Office of Hawaiian Affairs
- OEQC

FROM:

To:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT:

REQUEST FOR COMMENTS
CDUA HA-3601 - Landscaping, Agriculture, Animal Husbandry
Yunis Family Trust UDT, RR2 Box 3918, Pahoia, Hawaii, 96778
(3) 2-8-008:100
Pepeekeo, Island of Hawaii
NOT REQUIRED

APPLICANT:

TMK:

LOCATION:

PUBLIC HEARING:

Attached please find CDUA HA-3571 and our Department's notice to the applicant. We would appreciate your department's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp. Please contact Dawn Hegger, Senior Planner, at (808) 587-0380 should you have any questions on this matter.

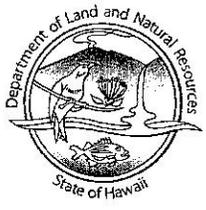
Comments Attached

No Comments

Signature

Arni Moana Rowland 8.12.11

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



Eng 1 of 3
WILLIAM J. AHLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAULUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIULAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

2011 AUG 17 P 12:30

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:DH

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County Agencies:

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- ___ Pepekeo Community Association
- ___ DOH-Environmental Planning Office
- ___ Office of Hawaiian Affairs
- ___ OEQC

FROM:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT:

REQUEST FOR COMMENTS

APPLICANT:

CDUA HA-3601 - Landscaping, Agriculture, Animal Husbandry

TMK:

Yunis Family Trust UDT, RR2 Box 3918, Pahoa, Hawaii, 96778

LOCATION:

(3) 2-8-008:100
Pepeekeo, Island of Hawaii

PUBLIC HEARING:

NOT REQUIRED

Attached please find CDUA HA-3571 and our Department's notice to the applicant. We would appreciate your department's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp. Please contact Dawn Hegger, Senior Planner, at (808) 587-0380 should you have any questions on this matter.

- (x) Comments Attached
- () No Comments

Signature

11 AUG 08 PM 01:57 ENGINEERING

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Charlene Unoki
Ref.: Early Consultation EA Pasture Use
Hawaii.515

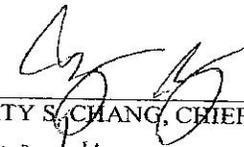
COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ____.
- (X) **Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in an area of Minimal Tsunami Inundation. The National Flood Insurance Program does not have any regulations for developments within the Minimal Tsunami Inundation areas.**
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Carter Romero at (808) 961-8943 of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional comments : _____
- () Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: 
 CARTY S. CHANG, CHIEF ENGINEER
 Date: 5/31/11

geometrician

A S S O C I A T E S , L L C
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

October 14, 2011

Alex J. Roy, Staff Planner
State of Hawai'i
Department of Land & Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809

Dear Mr. Roy:

**Subject: Comments to CDUA/Draft Environmental Assessment for Fencing of
4.25-Acre Pasture in Conservation District at Pepe'ekeo, Island of
Hawai'i, TMK (3rd.) 2-8-008:100**

I am in receipt of your letter to landowner Muhammad Yunis project of October 6, 2011, providing instructions for submittal of the Final EA to your office, and referencing and including comment memos from DLNR Divisions and Offices.

We acknowledge here the receipt of memos from the following DLNR offices/agencies and other agencies that reviewed the EA/CDUA, which by virtue of specifying "no comments" require no direct response: the Land Division-Hawai'i District Land Office, Hawai'i County Planning Department and DOFAW.

We also acknowledge the confirmation in the memo from your Engineering Division of information contained in the EA concerning the location of the project in an area of Minimal Tsunami Inundation. We have copied the Engineering Division on this response.

Also attached to this letter are copies of comments on the EA supplied separately by other parties and our responses to these comments.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

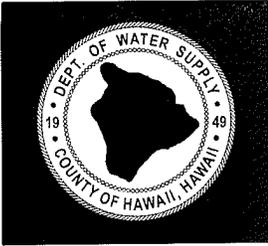
Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive style with a large, sweeping underline.

Ron Terry, Principal
Geometrician Associates

Attach: Letters from Island Transitions LLC and Hawai'i County Dept. of Water Supply

Cc: Muhammad Yunis (no attach.)
Hawai'i DLNR, Engineering Division (no attach.)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 9, 2011

Mr. Ron Terry
Geometrician Associates, LLC
P.O. Box 396
Hilo, HI 96721

**PRE-ENVIRONMENTAL ASSESSMENT CONSULTATION
PASTURE USE
TAX MAP KEY 2-8-008:100**

This is in response to your Pre-Environmental Assessment Consultation request dated May 23, 2011.

Please be informed that the subject parcel is currently allocated one (1) unit of water through an existing master water meter serving several lots in the area. The one (1) unit of water assigned to the parcel is limited to an average daily usage of 400 gallons and suitable for only one single-family dwelling.

As the current water availability conditions in the area, which are subject to change without notice, can only allow one (1) unit of water per pre-existing lot of record.

The Department can not provide any additional water at this time, extensive improvements and additions, which may include, but not limited to source, storage, booster pumps, transmission, and distribution facilities, would be required.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,



(Milton D. Pavao, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Muhammad Yunis, DVM

geometrician

A S S O C I A T E S , L L C
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

October 14, 2011

Milton D. Pavao, Manager
Hawai'i County DWS
345 Kekuanaoa Street, Suite 20
Hilo HI 96720

Dear Mr. Pavao:

**Subject: Comments to CDUA/Draft Environmental Assessment for Fencing of
4.25-Acre Pasture in Conservation District at Pepe'ekeo, Island of
Hawai'i, TMK (3rd.) 2-8-008:100**

Thank you for the comment letter dated August 9, 2011, in response to early consultation for the Draft EA, in which you stated that the subject parcel has one unit of water assigned to it. Please note that Dr. Yunis will not be requesting to install a water meter for the 4-acre license portion of the subject property. He will utilize catchment for watering the horses he intends to graze there.

Because of the late date of the receipt of your letter relative to our May 23, 2011 inquiry, we were unfortunately not able to include it in the Draft EA. However, we have included it as a comment letter in the Final EA, along with this response.

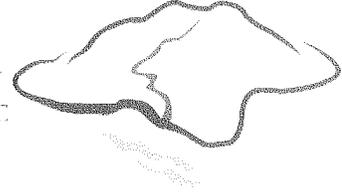
We very much appreciate your participation in the EA process. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Alex J. Roy, Planner, DLNR-OCCL
Muhammad Yunis



September 15, 2011

Dr. Muhammad Yunis, DVM
c/o Mr. Ron Terry
Geometrician Associates
P.O. Box 396
Hilo, HI 96721

Dear Dr. Yunis:

SUBJECT: Draft EA for Pasture Fencing in Conservation District at Pepe'ekeo
TMK: (3) 2-8-008:100

The above-mentioned DEA acknowledges the presence of 10-foot wide public accesses that will be adjacent to the proposed fencing. A setback of 10 feet is planned from the public access easements. There should be a condition placed in the permits for moving the fence inland in the event of coastal erosion. This will ensure that the public access easement can also be moved inland should cliff conditions become unsafe.

Mahalo for the opportunity to comment on this DEA.

Sincerely,

cc: Hawai'i County Planning Department

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

October 14, 2011

Debbie Chang
Island Transitions LLC
PO Box 202
Paauilo HI 96776-0202

Dear Ms. Chang:

Subject: Comments to CDUA/Draft Environmental Assessment for Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘eoko, Island of Hawai‘i, TMK (3rd.) 2-8-008:100

Thank you for the comment letter dated September 15, 2011, recommending a CDUP condition for moving the fence inland in the event of coastal erosion. Dr. Yunis is agreeable to this condition and it is included as part of his license agreement for use of the property. We would recommend that DLNR specify that Dr. Yunis shall be required to relocate the makai portion of the fence to an appropriate location upon notification by either DLNR or the Hawai‘i County Planning Department that coastal erosion requires moving the public access to within the fenced area.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Alex J. Roy, Planner, DLNR-OCCL
Muhammad Yunis

ENVIRONMENTAL ASSESSMENT

Fencing of 4.25-Acre Pasture in Conservation District at Pepe‘ekeo

Appendix 2 Archaeological Study

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

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

Archeological
Study

Letter Report 2292-110702

November 8, 2002

Jere Henderson
 Continental Pacific
 c/o Steven S.C. Lim, Esq.
 Carlsmith, Ball, Wichman, Case & Ichiki
 121 Waiianuenu Avenue
 Hilo, Hawaii 96720

Subject: Archaeological Field Inspection of Immediate Coastline Areas
 Former Pepeekeo Sugar Plantation Parcels
 Land of Makahanaloa, Kahua, and Kaupakuea
 South Hilo District, Island of Hawai'i
 (TMK:3-2-8-07:1,53; 3-2-8-08:3; 3-2-8-09:1)

Dear Mr. Henderson:

At your request, Paul H. Rosendahl, Ph.D., Inc. (PHRI) recently conducted an archaeological field inspection of immediate coastline areas of former Pepeekeo Sugar Plantation parcels located in the Lands of Makahanaloa, Kahua, and Kaupakuea in the South Hilo District on the Island of Hawai'i (TMK:3-2-8-07:1,53; 3-2-8-08:3; 3-2-8-09:1) (see *Figure 1*, at end). Done in connection with a proposed reinterpretation of the inland boundary of the State Land Use Conservation District (CD), the purpose of the field inspection was to determine the presence or absence of any potentially significant historic properties within the area between the coastline and the present inland CD boundary that averages generally c. 300 ft inland from the coastline.

The field inspection project area consisted primarily of a band of land measured from the shoreline areas, as generally defined by the sharp upper edge of the existing sea cliffs or *pali*, up to approximately 300 ft from the shoreline area. Vegetation cover consisted of a relatively open canopy primarily of native *hala* (*pandanus*; *Pandanus odoratissimus* L.f.) and introduced common ironwood trees (*Casuarina equisetifolia* L.), with a variable density ground cover of native *naupaka-kahakai* (beach *naupaka*; *Scaevola serica* Vahl) and introduced grasses.

Background research conducted before inspection fieldwork did not yield knowledge of any previously identified archaeological sites. While the general coastal area did appear to fall within the limits of the area covered by A.E. Hudson (Hudson n.d.) during his 1930-1932 Bishop Museum survey of East Hawaii Island—a burial cave once said to be present within the Urban District area at Pepeekeo Landing was mentioned, Hudson did not specifically identify any sites within or in the immediate vicinity of the present field inspection project area.

Two plantation-era cemeteries were indicated on present tax maps as being situated in the immediate coast line area of the field inspection project area—a “Japanese Cemetery” to the south of Alia Stream, in the Land of Makahanaloa (in Tax Map Parcel 1 of TMK:3-2-8-07), and a “Chinese Cemetery” immediately north of Makea Stream, in the Land of Kaupakuea (in Tax Map Parcel 1 of TMK:3-2-7-09) (see *Figure 1*, at end). The location of the “Japanese Cemetery” appears to be indicated on the most recent version of the USGS 7.5-minute series quadrangle map (“Papaikou, HI; 1994”) as the “Cemetery” immediately south of Alia Stream, in the shoreline area. While the location of the second cemetery is not indicated on the USGS 7.5-minute series quadrangle map, the “Chinese Cemetery” is indicated on the Third Revised Plat map (R.M. Towill Corp.; September 11, 2002) as being located just north of Makea Stream, approximately 300 ft inland of the shoreline area.

Subsequently inspection of Pepeekeo Plantation maps and records on file at the Mauna Kea Agribusiness Office in Papaikou did not yield any information regarding either of the two cemeteries; however, according to John Cross, Mauna Kea Agribusiness President and long-time C. Brewer & Co., Inc. employee, both of the cemeteries had been disinterred and remains relocated to other cemeteries in the early 1960s when C. Brewer closed down smaller, outlying plantation camps and relocated residents to larger, consolidated villages.

The field inspection was carried out on September 28-29, 2002 by PHRI Principal Archaeologist Dr. Paul H. Rosendahl and volunteer Field Assistant Kristin T.M. Rosendahl. Variable intensity 100% coverage inspection fieldwork was conducted by means of pedestrian ground survey. Ground visibility varied from generally good to very good. Dr. Rosendahl and Continental Pacific representative F. Reynolds Henderson carried out additional inspection of specific locations on October 10, 2002.

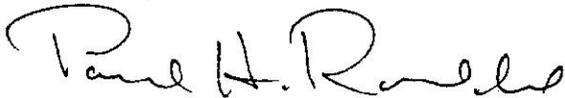
With the exception of the locations of the two plantation-era cemeteries, no archaeological evidence of any kind—e.g., structural remains, surface artifacts and/or scatters of midden remains—was identified during the field inspection that might indicate the presence of potentially significant historic properties. While the general area of the inspection might have been occupied and/or utilized by native Hawaiians for residential occupation and/or shoreline marine resource exploitation prior to historic plantation activities, a hundred years or more of intensive sugarcane cultivation most likely would have fully obliterated any physical evidence of any such prior land uses.

Evidence indicative of disinterment activity was noted at the site of the former “Japanese Cemetery.” While no undisturbed graves marked by standing monuments were found, many fragments of broken grave monuments—several with Japanese characters—were found scattered over a low-laying natural lava shelf below the seaward side of the former cemetery site. Similar disinterment evidence in the form of fragments of broken grave monuments was also present at the site of the former “Chinese Cemetery.” However, here several grave monuments were found still standing in place, suggesting that perhaps not all graves had been disinterred. Previously noting the presence of the standing monuments, the current landowner, Continental Pacific, had installed interim preservation measures in the form of wire fencing to enclose and protect the remaining grave monuments.

Based on the negative findings of the field inspection—i.e., with the possible exceptions of the two plantation-era cemeteries, the absence of any potentially significant historic properties—there would not seem to be any historic preservation reasons that should argue against the reinterpretation of the CD boundary from its present location to the edge of the coastline *pali*. Consultations with the State Historic Preservation Division (SHPD) should be conducted regarding the specific treatment of the two plantation-era cemetery sites—which most likely would meet the 50 year minimum age criterion for consideration as a historic property, and therefore the determination of treatment for which falls under the purview of the SHPD rather than the State Department of Health.

If you have any questions, or need any additional information, please contact me at my Hilo office (808-969-1763). Thank you for the opportunity to provide you with our services.

Sincerely yours,

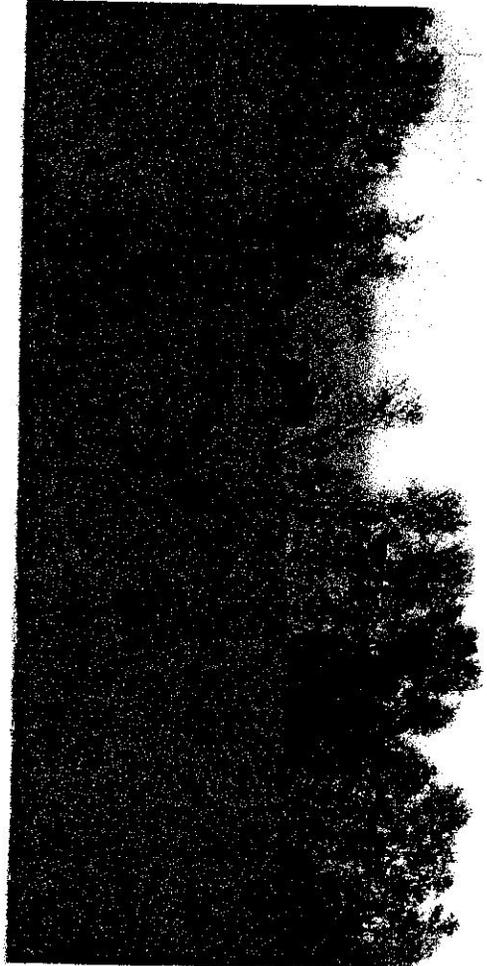
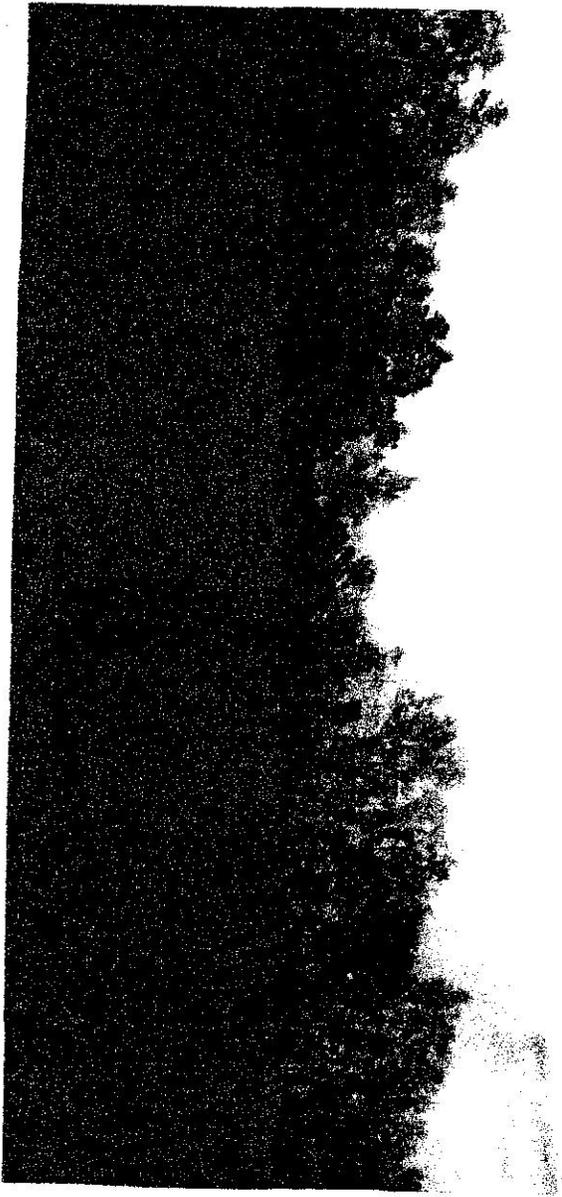
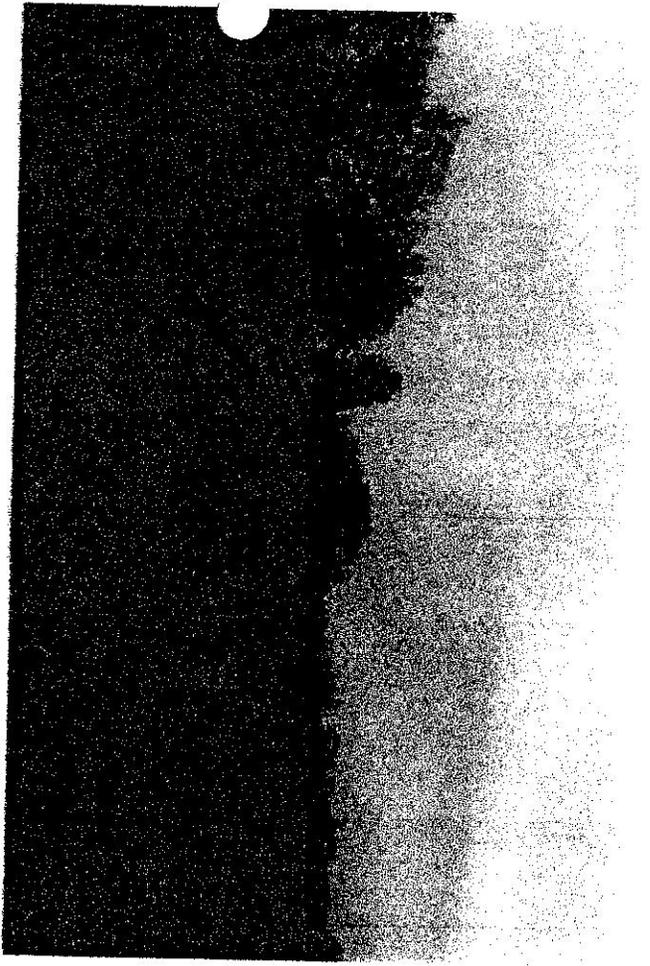


Paul H. Rosendahl, Ph.D.
President and Principal Archaeologist

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

September 9, 2003

HAWAII HISTORIC PRESERVATION
DIVISION REVIEW

LOG NO.: 2003.1682
DOC NO.: 0309JK13

No Effect
Letter

Applicant/Agency: Continental Pacific, LLC
Address: 36 Poko Place
Hilo, HI 96720

Project: Chapter 6E-42 Review - State Land Use Boundary Amendment
Application (SLU 03-006) Agricultural to Urban
Change of Zone Application (REZ 03-014)
ML-20/MG-5a/CV-10 to RS-20 and A-20a to ML-20
22 Lot Subdivision and Related Improvements

Location: Makahanaloa, South Hilo, Hawaii
Tax Map Key: (3) 3-8-007: Por 1, Por 2, Por 53

1. We believe there are no historic properties present because:
- a. intensive cultivation has altered the land
 - b. residential development /urbanization has altered the land
 - c. previous grubbing/grading has altered land
 - d. an acceptable archaeological assessment or inventory survey found no historic properties
 - e. other:

2. This project has already gone through the historic preservation review process.
- a. mitigation has been completed
 - b. other:

Thus, we believe that "no historic properties will be affected by this undertaking.

Signed Jeanne M. Knapp Date 9-9-03
Historic Preservation Division-Kona
Jeanne M. Knapp

