

**DEPARTMENT OF HAWAIIAN HOME LANDS
DISCOVERY HARBOUR INFILL LOTS**

**Environmental Assessment
Determination and Compliance Findings for HUD-assisted Projects
24 CFR Part 58**

June, 2016

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**U.S. Department of Housing and Urban
Development**

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Washington, DC 20410
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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Discovery Harbour Infill Lots

Responsible Entity: Department of Hawaiian Home Lands (DHHL)

Grant Recipient (if different than Responsible Entity): Same as Responsible Entity

State/Local Identifier:

Preparer: PBR HAWAII & Associates, Inc.

Certifying Officer Name and Title: Jobie M.K. Masagatani, Chairman, Hawaiian Homes
Commission

Grant Recipient (if different than Responsible Entity): Same as Responsibly Entity

Consultant (if applicable): PBR HAWAII & Associates, Inc.

Direct Comments to: Isaac Takahashi, DHHL Land Development Division
P.O. Box 1879
Honolulu, HI 96813
(808)587-6454

Project Location:

Discovery Harbour is located in the Ka‘ū District, island and County of Hawai‘i and spans across three ahupua‘a, Pālahulu, Wai‘ōma‘o, Kiolaka‘a. The Department of Hawaiian Home Lands (DHHL) owns 40 lots within the Discovery Harbour subdivision, 38 of which are vacant. The DHHL-owned lots are scattered throughout Discovery Harbour and are generally bounded by Kamā‘oa Road to the north, Ha‘eha‘e Street to the west, Kahiki, Hekau, and Kia Lua Streets to the south, and Wākea Street to the east. It encompasses various parcels within tax map plats (3) 9-4-016; (3) 9-4-017; (3) 9-4-018; (3) 9-4-019; (3) 9-4-021; (3) 9-4-022; (3) 9-4-023; and (3) 9-4-024 (see Figure 1) (“Regional Location”).

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed project is construction of single-family dwellings on 38 vacant lots within the existing Discovery Harbour subdivision using Native American Housing and Self Determination Act (NAHASDA) funds. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by County water system and will be served by individual onsite septic systems, therefore no infrastructure improvements are proposed.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of this project is to offer opportunities to native Hawaiian beneficiaries to develop lands for homesteading. It is consistent with the Hawaiian Homes Commission Act, 1920, as amended, which provides for the development and settlement of native Hawaiians on lands owned by the DHHL (State of Hawai‘i, (Act of July 9, 1921, c 42, 42 Stat 108)). This project represents DHHL’s ongoing efforts to expedite the development and distribution of its lands to qualified beneficiaries.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Discovery Harbor is a covenant-controlled community of over 800 lots. The subdivision was originally built around an 18-hole Robert Trent Jones Sr. golf course, which is currently privately owned and not open to the public.

The Area of Potential Effect is the 38 vacant lots within the Discovery Harbour subdivision. The lots are mainly one-acre lots. The lots are accessed by county-dedicated roadways built to County standards. The lots are served by the County water system and individual onsite septic systems. The vegetation throughout the majority of the property consists of open, low dry grassland with scattered koa-haole shrubs and kiawe trees. The Discovery Harbour Infill Lots are mainly for residential use with agriculture as an auxiliary use where feasible. DHHL permits beneficiaries and their families the opportunity for subsistence gardening and animal husbandry without committing to agriculture as the primary source of income.

Surrounding Land Uses

Discovery Harbour is located adjacent to or in proximity to large tracts of land held by Kamehameha Schools, G.K. McMickle and the State of Hawai‘i Department of Land and Natural Resources (DLNR) as well as other small land owners. DLNR manages approximately 237,410 acres of land in Ka‘ū. Their mauka landholdings closely correspond with critical habitat for forest

birds and the Ka‘ū Forest Reserve. Kamehameha Schools landholdings adjacent to Discovery Harbour remain undeveloped.

Funding Information

Grant Number	HUD Program	Funding Amount
14HBGHI001	NHHBG	\$9,500,000

Estimated Total HUD Funded Amount:

\$9,500,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$9,500,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. The Project Area is not located within the Hilo Airport Runway Protection Zone (see Figure 2).
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. The Project Area and surrounding area are not located within the Coastal Barriers Resource System (CBRS). Currently, there are no CBRS map units established for the State of Hawai‘i (U.S Fish and Wildlife Service, 2015).

Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. According to the Flood Insurance Rate Map (FIRM), the Project Area is located in Zone X and not located in a Special Flood Hazard Area (see Figure 3).
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>No long-term impact. The State of Hawai'i is considered an attainment area because air quality is better than the National Ambient Air Quality Standards as defined in the Clean Air Act (Department of Health, State of Hawaii, 2015)</p> <p>Mitigatable short-term impact. The proposed development may produce short term air quality impacts such as fugitive dust and emissions from construction vehicles. Dust control measures will be implemented to prevent the spread of air pollutants. Upon completion of the project, long term air quality impacts are not anticipated.</p>
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>No impact. All lands in the State of Hawai'i are within the Coastal Zone Management Area.</p> <p>In letters dated November 21, 2008 and June 24, 2004, the Department of Business, Economic Development and Tourism's Office of Planning indicated that the Hawai'i CZM program does not review any HUD assistance programs, grants, or loans for federal consistency, but that CZM regulations relating to actions within the Special Management Areas (SMA) and Shoreline Setback still apply. This approach was re-confirmed by telephone in 2015.</p> <p>No portion of the Project Area is within the SMA (see Figure 4). No further consultation is required (see letter in Exhibit A).</p>
Contamination and Toxic Substances	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. There are no dumps, landfills, industrial sites or any other facilities capable of releasing toxic chemicals, hazardous

24 CFR Part 50.3(i) & 58.5(i)(2)		wastes, or radioactive materials on or near the Project Area (see Figure 5).
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>No impact. While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area:</p> <ul style="list-style-type: none"> • Hawaiian hoary bat (<i>Lasiurus cinereus semotus</i>), Endangered • Hawaiian seabirds: Hawaiian petrel (<i>Pterodroma sandwichensis</i>), Endangered and Newell's shearwater (<i>Puffinus newelli</i>), Threatened • Blackburn's sphinx moth (<i>Manduca blackburni</i>), Endangered <p>Per standard USFWS mitigation measures, leases will include conditions to minimize threats from invasive species through the following measures (see Exhibit B):</p> <ul style="list-style-type: none"> • Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the brown tree snake is not transported in the material. • All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of non-native pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of non-native pests (i.e., rats). No contamination (trash or debris disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats

		<p>will result from project-related activities.</p> <p>To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:</p> <ul style="list-style-type: none">• The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action.• Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights
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		<p>they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below.</p> <ul style="list-style-type: none">• Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding area prior to the advent of construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest.• The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (<i>Ipomoea pescaprae</i>), iliee (<i>Plumbago zeylanica</i>), maiapilo (<i>Capparis sandwichiana</i>). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (<i>Nicotiana glauca</i>), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (<i>Nothocestrum sp.</i>). Based on past and current site conditions, as well as distance from critical habitat,
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		no minimization measures are proposed.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. No above ground storage tanks or other explosive or flammable hazards are located within the Project Area.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>No impact. The majority of the Project Area is located on lands rated the very lowest for agricultural production or not rated at all (see Figure 7 and Figure 8).</p> <p>Three lots are rated as “Very Poor” under the Land Study Bureau overall productivity rating system and the remaining lot are rated as “Poor.” None of the lots are classified under the Agricultural Lands of Importance to the State of Hawaii classification system.</p>
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. According to the FIRM, the Project Area is in Zone X and not located in a Special Flood Hazard Area (see Figure 3).
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>No impact. Section 106 consultation with SHPD and NHOs have been conducted to confirm the area of potential effect and determination of historic properties not likely to be adversely affected (see Exhibit C).</p> <p>According to consultation with Native Hawaiian Organizations, no known archaeological resources are known to exist within the Project Area.</p> <p>To minimize impacts to historic and archaeological resources, construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) and applicable laws of the State of Hawai‘i.</p>
Noise Abatement and Control	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	There are no noticeable noise sources in the vicinity that would necessitate noise abatement over the long term. The Project

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B		Area is over 60 miles from the nearest airport (see Figure 2). Mitigatable short-term impact. During construction, noise will be generated by construction and earth-moving equipment. However, these short term noise impacts will occur only during daytime hours. The project will comply with State DOH noise regulation. If construction noise levels are anticipated to exceed the DOH maximum permissible property line noise levels, a permit will be obtained from the DOH to allow the operation of construction activities.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. The project is not located in a sole source aquifer.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No impact. According to the National Wetlands Inventory data on NEPAassist, there are no wetlands within the Project Area (see Figure 10).
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Hawaii does not have any designated Wild and Scenic River (Wild and Scenic Rivers website, http://www.rivers.gov/hawaii.php)
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	This project does not create any hazards nor expose minority or low-income group or individuals to adverse environmental conditions; therefore, it is in compliance with E.O. 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed development will be implemented under the provisions of the Hawaiian Homes Commission Act (HHCA), 1920, as amended. In accordance with the HHCA, Hawaiian home lands are not subject to zoning or other land use controls by the State or County (HHCA §206).
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p>The topography is relatively level. Within the Site and surrounding area the soil type mainly consists of Punaluu extremely rocky peat (rPYD) (see Figure 11). According to the U.S. Soil Conservation Survey for the Island of Hawai‘i, this soil type consists of well drained, thin organic soils over Pāhoehoe lava bedrock where runoff is slow and the erosion hazard is slight.</p> <p>Erosion control measures and best management practices will be required during construction to prevent soil loss and erosion. All grading operations shall be conducted in compliance with appropriate State and County regulations.</p>
Hazards and Nuisances including Site Safety and Noise	2	The proposed low intensity of development and uses such as self-sufficiency homesteads, horticulture, and re-vegetation, will not significantly affect the area’s visual resources.

		<p>The Project Area has low noise levels associated with a rural residential and agricultural lifestyle. The area is characterized as a low density residential development with some subsistence agriculture for supplemental income. No significant short- or long-term noise impacts from the infill development of Discovery Harbour for homestead and subsistence agricultural use is expected.</p> <p>The Project Area is split between lava hazard zone 3 and zone 6 (see Figure 12). The building code will require compliance with hurricane and earthquake standards.</p>
Energy Consumption	2	Electrical power will be supplied by Hawaii Electric Light Company (HELCO) and there is adequate capacity to serve the Project.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The main job centers on Hawai'i Island are located in Kona and Hilo. It is anticipated that the majority of DHHL beneficiaries living within Discovery Harbour would derive income from jobs located elsewhere around the island. Thus, the Project would have little, if any impact on employment opportunities.
Demographic Character Changes, Displacement	2	The residents within the Project Area are expected to share similar characteristics as existing surrounding residents in the greater Discovery Harbour area. The Project increases residential homestead opportunities by enabling existing, relocated, or new native Hawaiian lessees to build on infill lots. No residences, businesses, community facilities, farms, or other activities would be displaced as a result of the proposed development.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	School-aged children within the Project Area would be accommodated by Nā'ālehu Elementary School and Ka'ū Intermediate and High School. Both schools have adequate capacity.
Commercial Facilities	2	Commercial facilities are not located within the Project Area or directly adjacent areas. The nearest commercial facilities are located in Kona approximately 60 miles away to the northwest.

Health Care and Social Services	2	The nearest critical access health care facility to the Project Area is the Ka‘ū Hospital, located on Kamani Street in Pāhala, approximately 17 miles east of the Project Area. The 21-bed facility provides acute and long-term care services. The Ka‘ū Family Health Center operated by the Bay Clinic is a Federally Qualified Health Center providing non-emergency medical, dental and behavioral health care during regular business hours. The Ka‘ū Family Health Center is located approximately 7 miles away on Māmalahoa Highway in Nā‘ālehu.
Solid Waste Disposal / Recycling	3	Island residents collect their solid waste trash and transport it to any one of the 21 solid waste transfer stations located around the island. In some areas of the island, residents may hire a private collection company to pick-up their solid waste for disposal. The nearest transfer station to the Site is the Ocean View Transfer Station.
Waste Water / Sanitary Sewers	3	No County wastewater system services the Project Area. Wastewater is collected by Individual Wastewater Systems (IWS) approved by the Department of Health.
Water Supply	2	The County of Hawaii, Department of Water Supply (DWS) has adequate capacity to provide domestic water service and fire flow to the Project Area.
Public Safety - Police, Fire and Emergency Medical	2	<p>Police. The District of Ka‘ū is served by the County of Hawai‘i Police Department through the Ka‘ū District Station located in Nā‘ālehu and a police substation located at Pōhue Plaza in Hawai‘i Ocean View Estates (HOVE). While the nearest facility to the Project Area is the substation located approximately one mile away in Pōhue Plaza, it is not a manned station. The nearest manned station is the Ka‘ū District Station approximately 6 miles away in Nā‘ālehu.</p> <p>Fire & Emergency Medical Service (EMS). Fire prevention, suppression, and protection services for the Project Area are provided by a fire station located on Orchid Circle in HOVE. The station is manned 24 hours a day, seven days a week by a combined volunteer and professional force. Another fire station is located approximately 6 miles away in Nā‘ālehu.</p> <p>The present level of services are expected to be sufficient for both the current and added demands from the project.</p>

Parks, Open Space and Recreation	2	The Project Area is approximately 5 miles from South Point Park and 13 miles from Punalu‘u County Beach Park. Impacts to parks and recreation facilities are not expected.
Transportation and Accessibility	2	Māmalahoa Highway, a State owned two-lane improved roadway, provides access through Ka‘ū. Kamaoa Road provides access from Māmalahoa Highway to the Discovery Harbour subdivision. The internal roadways within Discovery Harbour are county-dedicated roadways built to county standards and provide access within the Project Area.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no unique natural or water features within the Project Area.
Vegetation, Wildlife	2	<p>The vegetation throughout the Project Area consists of open, low grassland with scattered koa-haole shrubs and kiawe trees. There are no significant animal populations in the vicinity of the Project Area.</p> <p>While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area:</p> <ul style="list-style-type: none"> • Hawaiian hoary bat (<i>Lasiurus cinereus semotus</i>), Endangered • Hawaiian seabirds: Hawaiian petrel (<i>Pterodroma sandwichensis</i>), Endangered and Newell's shearwater (<i>Puffinus newelli</i>), Threatened • Blackburn's sphinx moth (<i>Manduca blackburni</i>), Endangered • Hawaiian hawk (<i>Buteo solitarius</i>), Endangered <p>To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:</p> <p>The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that</p>

		<p>young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action.</p> <p>Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below.</p> <p>Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding area prior to the advent of construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest.</p> <p>The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (<i>Ipomoea pescaprae</i>), iliee (<i>Plumbago zeylanica</i>), maiapilo (<i>Capparis sandwichiana</i>). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (<i>Nicotiana glauca</i>), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (<i>Nothocestrum sp.</i>).</p> <p>Based on past and current site conditions, as well as distance from critical habitat, no minimization measures are proposed.</p>
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Other Factors		n/a
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List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: Various agencies (or agency documents) were consulted in preparation of this EA including:

USFWS (see Exhibit B)

SHPD (see Exhibit C)

Public Outreach [24 CFR 50.23 & 58.43]: Consultation with Native Hawaiian Organizations has been conducted to meet Chapter 6E-8 Hawaii Revised Statutes as well as the NHPA Section 106 requirements. Consultation packets and responses have been included with Exhibit C.

Cumulative Impact Analysis [24 CFR 58.32]: Roads have capacity to accommodate projected traffic; public schools have capacity to accommodate school-aged children from the Project, increased impervious surface runoff would be accommodated onsite through infiltration and drywells

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]: No action alternative would continue status quo underutilization of suitable land for residential-agricultural homestead use for native Hawaiian beneficiaries

Summary of Findings and Conclusions:

Construction of single-family dwellings on established residential lots within the Discovery Harbour subdivision is a long-planned activity and use of the Project Area. Infrastructure is sized and maintained to accommodate the additional 38 homes. Short-term impacts associated with construction are anticipated and mitigatable. Other mitigatable impacts related to protection of cultural resources and endangered species are discussed herein and listed below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Threatened or endangered species	<p>DHHL to provide notice to lessees:</p> <ul style="list-style-type: none"> • To protect night-flying seabirds, outdoors illumination be shielded so that the bulb is not visible at or above bulb-height. • To protect the low-flying, foraging Hawaiian hoary bat, barbed wire not be used for fencing. <p>Construction scheduling and documents will incorporate the following applicable recommendations of the USFW:</p> <ul style="list-style-type: none"> • Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the brown tree snake is not transported in the material. • All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of non-native pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of non-native pests (i.e., rats). No contamination (trash or debris disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats will result from project-related activities • Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding

	<p>area prior to the advent of construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest.</p> <ul style="list-style-type: none"> • To minimize impacts to the endangered Hawaiian hoary bat: <ul style="list-style-type: none"> ○ Woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). ○ Barbed wire will not be used for fencing as part of this proposed action. • To avoid impacts to Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) <ul style="list-style-type: none"> ○ To protect night-flying seabirds, outdoors illumination be shielded so that the bulb is not visible at or above bulb-height. ○ If night work must be conducted, it should take place outside the sea bird fledging season (September 15 through December 15) and should utilize shielded lighting.
Air quality, noise, water quality	<p>Construction documents will include:</p> <ul style="list-style-type: none"> • Standard dust control measures • Standard noise control measures • Best management practices for erosion and sedimentation control in accordance with approved Grading and NPDES permits
Community Noise	<p>During construction, noise will be generated by construction and earth-moving equipment. However, these short term noise impacts will occur only during daytime hours. The project will comply with State DOH noise regulation. If construction noise levels are anticipated to exceed the DOH maximum permissible property line noise levels, a permit will be obtained from the DOH to allow the operation of construction activities.</p>
Archaeological Sites	<p>Construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection</p>

	and Repatriation Act (NAGPRA) and applicable laws of the State of Hawai'i.
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Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: Cullison

Date: June 14, 2016

Name/Title/Organization: Catie Cullison/Sr. Planner/PBR HAWAII & Associates, Inc.

Certifying Officer Signature: _____

Date: 6/14/16

Name/Title: Jobie M.K. Masagatani/Chairman, Hawaiian Homes Commission

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Works Cited

- Department of Health, State of Hawaii. (2015). *Annual Summary 2013: Air Quality Data*. State of Hawai'i. ((Act of July 9, 1921, c 42, 42 Stat 108)). Hawaiian Homes Commission Act, 1920. *Hawaii State Constitution*.
- U.S Fish and Wildlife Service. (2015). *Coastal Barrier Resources Act*. Retrieved November 2015, from <http://www.fws.gov/cbra/Maps/index.html>

Figures

Figure 1. Regional Location Map

Figure 2. Distance from Airport

Figure 3. Flood Insurance Rate Map

Figure 4. Special Management Area

Figure 5. Hazardous Substances

Figure 6. Critical Habitat

Figure 7. Agricultural Lands of Importance to the State of Hawaii

Figure 8. Land Study Bureau

Figure 9. Sole Source Aquifer

Figure 10. Wetlands

Figure 11. Soil Survey

Figure 12: Lava Hazard Zones

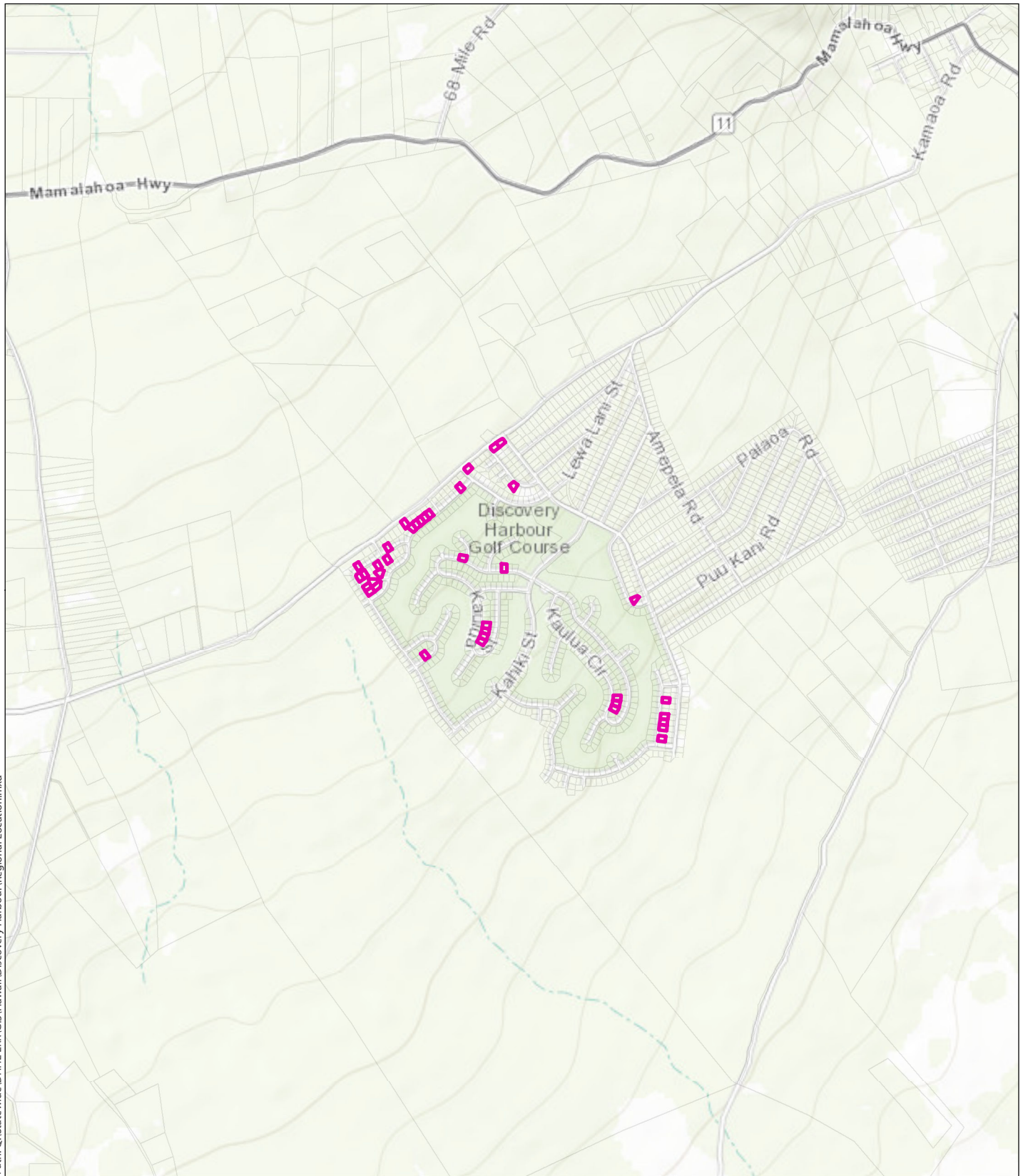
Exhibits

Exhibit A. Coastal Zone Management Consistency Letter

Exhibit B. USFWS Consultation



Exhibit C. Section 106 Consultation

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DATE: 6/2/2016

LEGEND

-  Project Lots
-  Tax Map Key Parcels

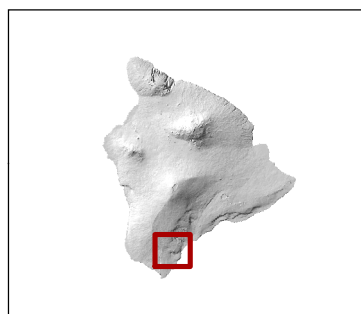
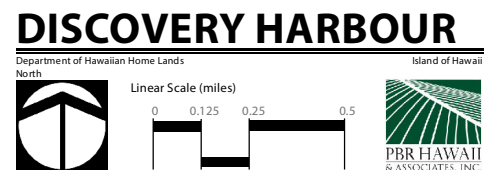
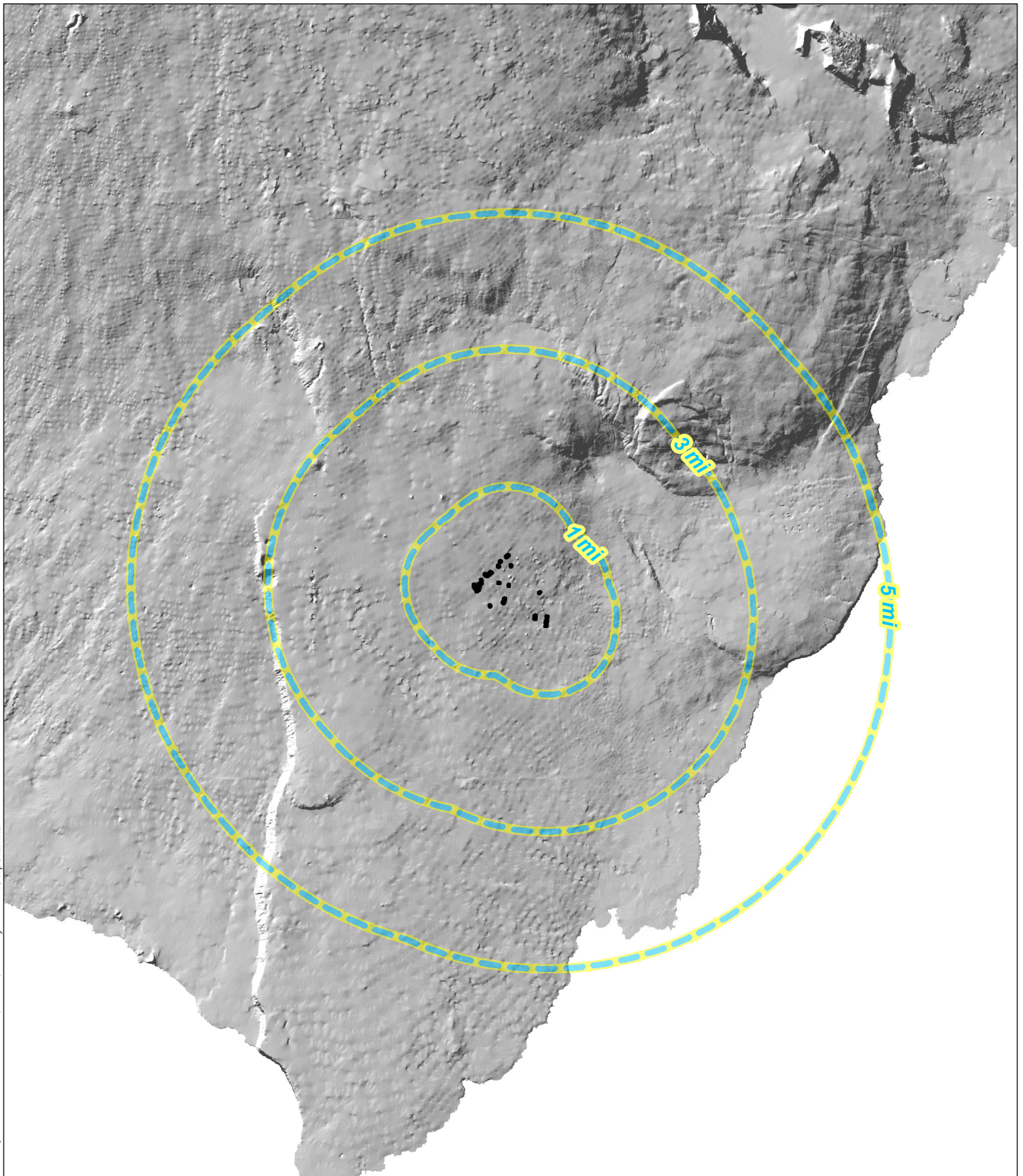


FIGURE 1:
Regional Location Map






Source: ESRI Online Basemaps. County of Hawaii, 2014.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



DATE: 6/2/2016

LEGEND

-  Project Lots
-  Tax Map Key Parcels
-  Airport (none shown)

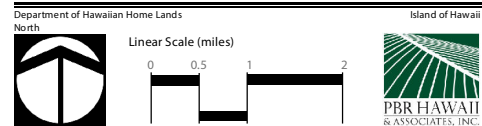
Source: U. S. Geological Survey, 2012. County of Hawaii, 2015.

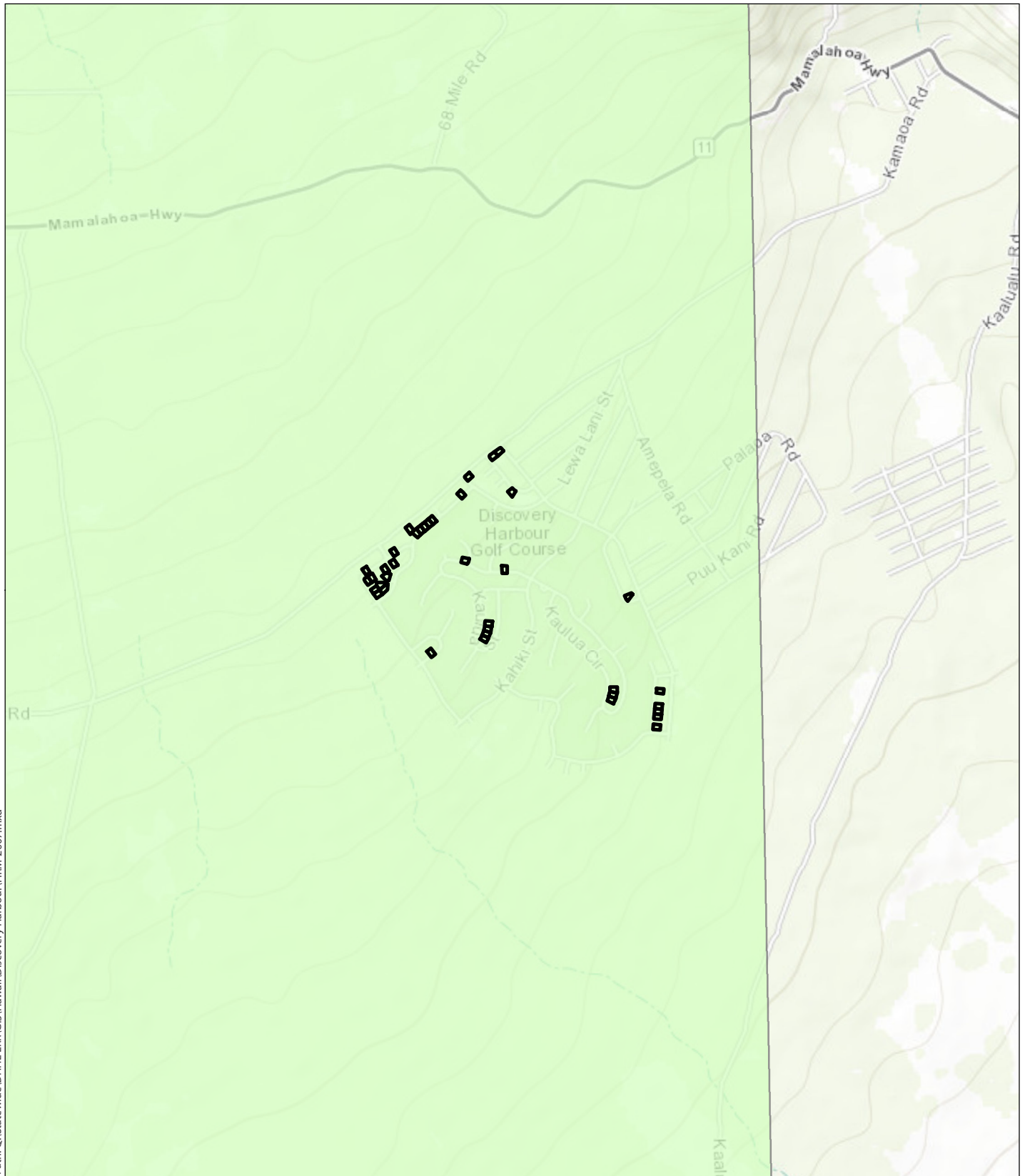
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

FIGURE 2:

Distance from Airport

DISCOVERY HARBOUR





DATE: 6/3/2016

LEGEND



Project Lots

Tax Map Key Parcels

Flood Zone

Unclassified

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

AE, FLOODWAY

AH

AO

D

VE

X

FIGURE 3:

Flood Insurance Rate Map

DISCOVERY HARBOUR

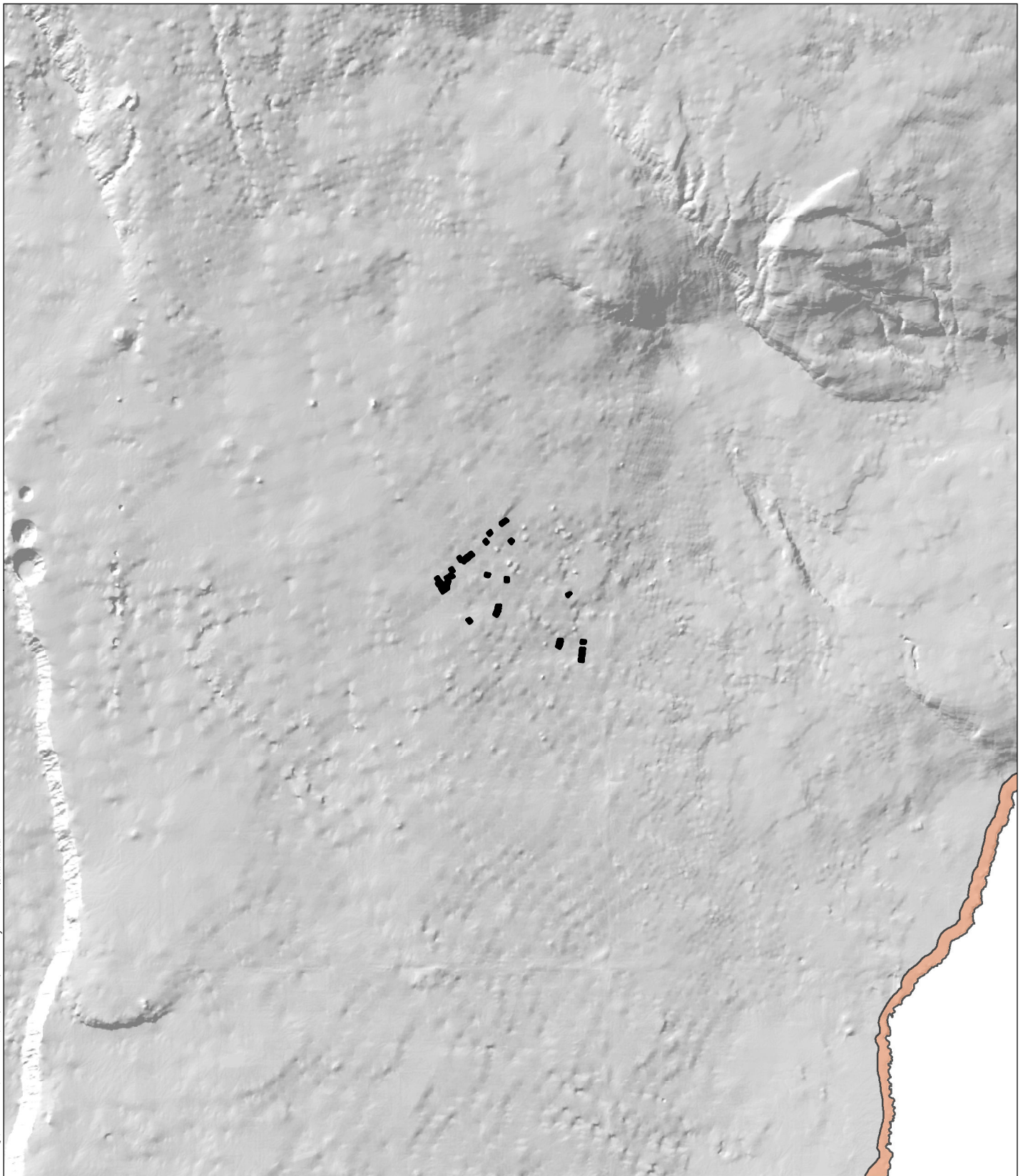
Department of Hawaiian Home Lands

Island of Hawaii



Linear Scale (miles)





DATE: 6/2/2016

LEGEND



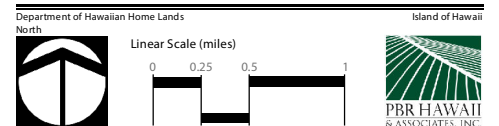
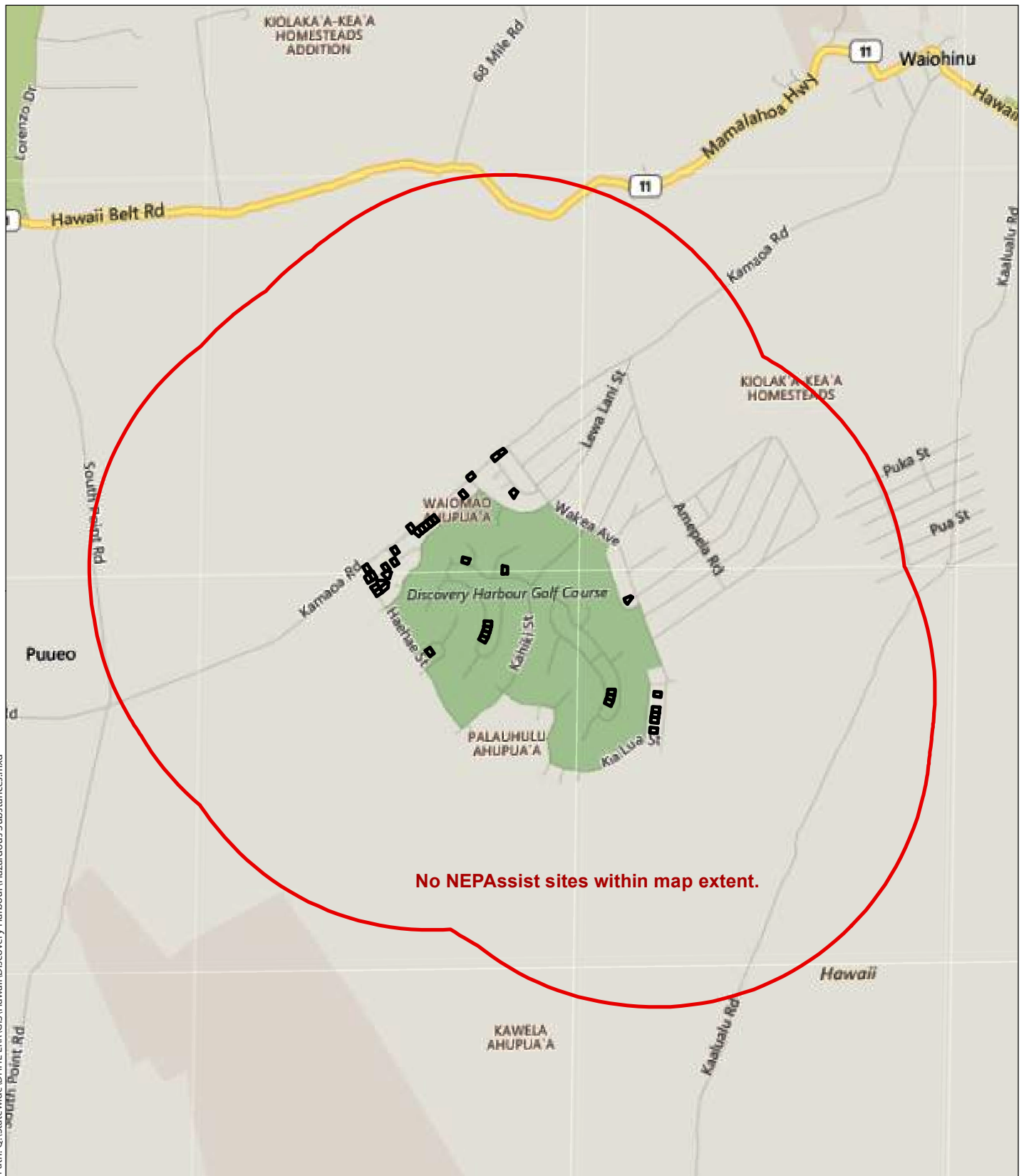
-  Project Lots
-  Special Management Area

FIGURE 4:
Special Management Area (SMA)

DISCOVERY HARBOUR





DATE: 6/3/2016

LEGEND



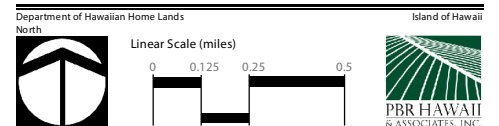
-  Project Lots
-  1 mile buffer

FIGURE 5:

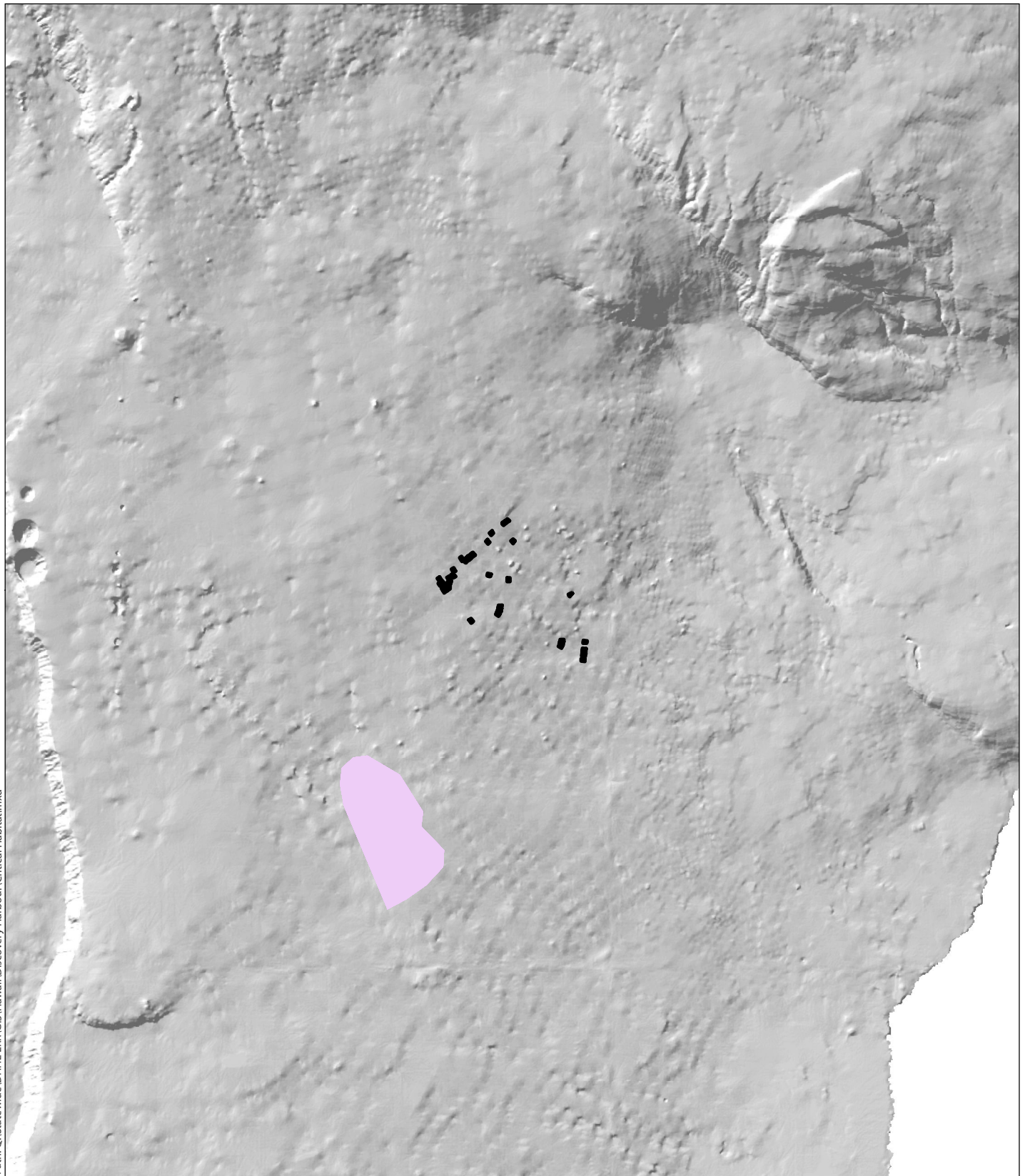
Hazardous Substances

DISCOVERY HARBOUR



Source: NEPAassist, accessed 6/1/16, County of Hawaii, 2015.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



DATE: 6/2/2016

LEGEND




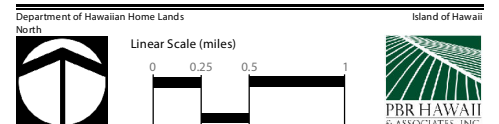
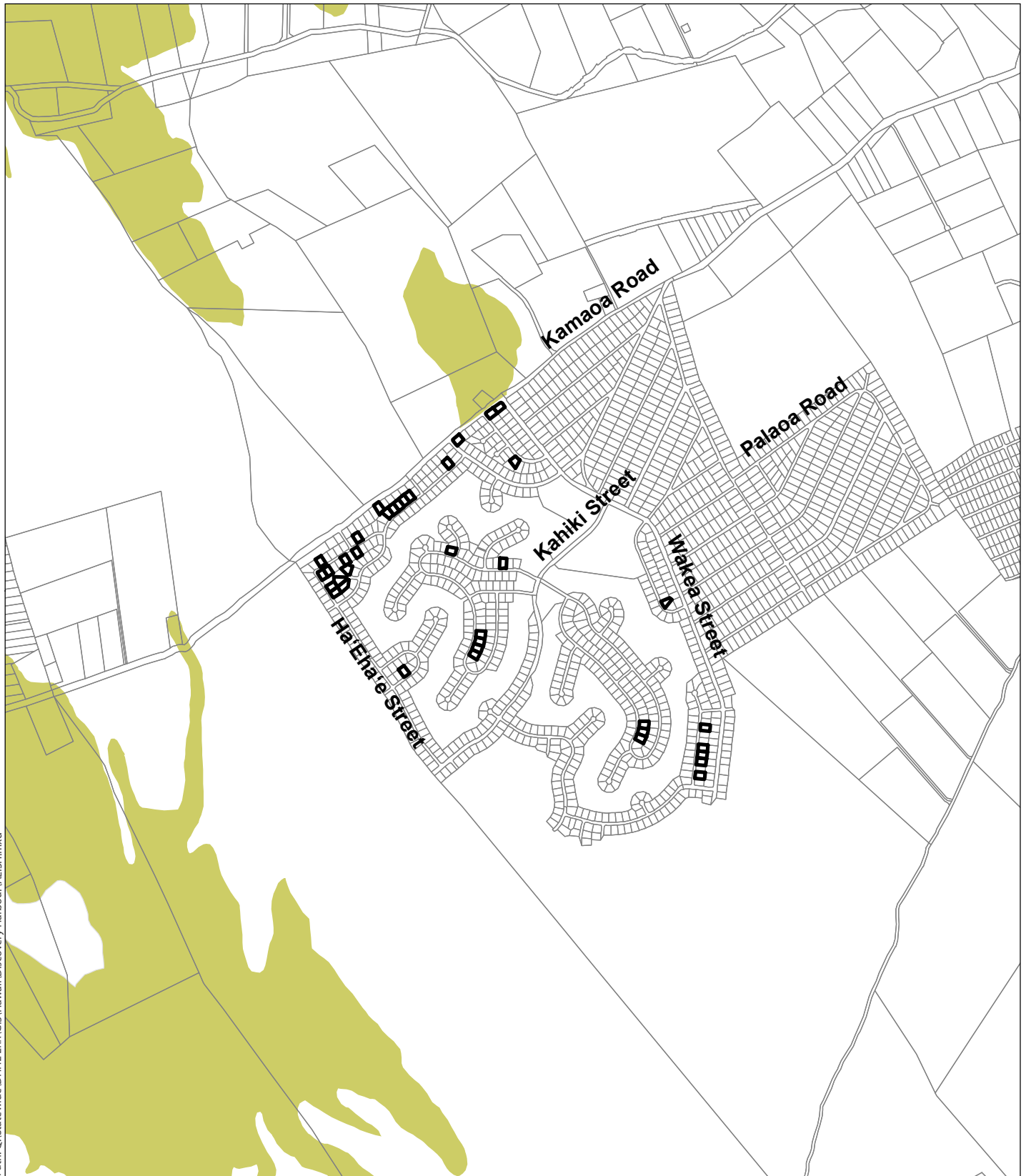
-  Project Lots
-  Critical Plant Habitat
-  Critical Animal Habitat (none shown)

FIGURE 6:
Critical Habitat

DISCOVERY HARBOUR





DATE: 6/2/2016

LEGEND



Project Lots



Tax Map Key Parcels

ALISH Classification



Prime ALISH



Unique ALISH



Other ALISH



Unclassified

FIGURE 7:
Agricultural Lands of Importance
to the State of Hawaii

DISCOVERY HARBOUR

Department of Hawaiian Home Lands



Linear Scale (feet)



Island of Hawaii





☒ Project Lots

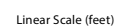
☐ Tax Map Key Parcels

- A - Very Good
- B - Good
- C - Fair
- D - Poor
- E - Very Poor

FIGURE 8:
University of Hawaii Land Study
Bureau Detailed Land Classification

DISCOVERY HARBOUR

Department of Hawaiian Home Lands

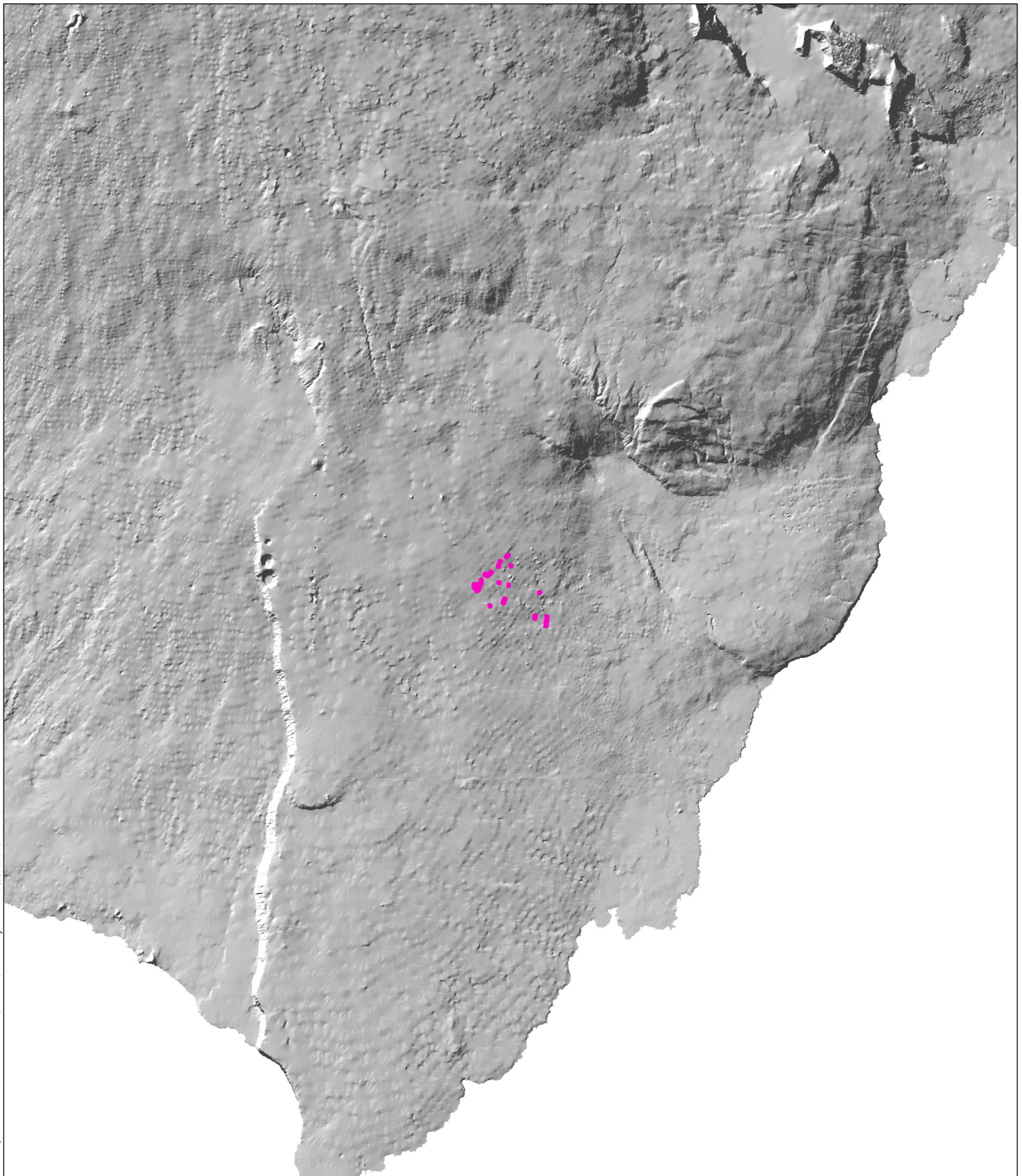


Linear Scale (feet)



Source: County of Hawaii, 2014. University of Hawaii Land Study Bureau, 1965.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



DATE: 6/2/2016

LEGEND




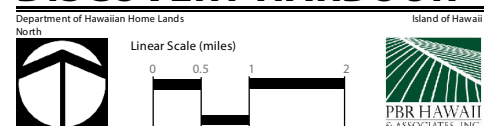
-  Project Lots
-  Tax Map Key Parcels
-  Sole Source Aquifer (none shown)

FIGURE 9:

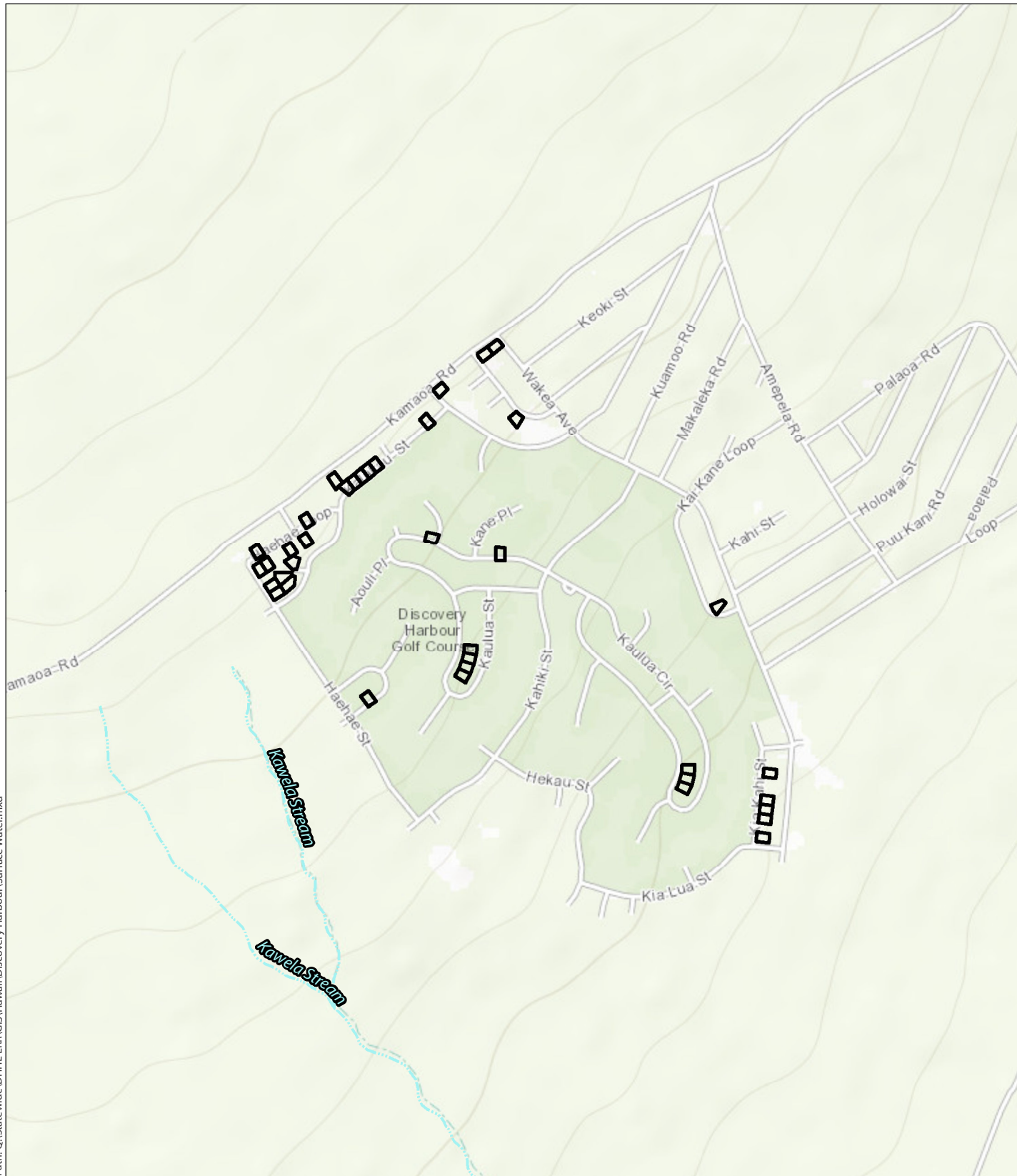
Sole Source Aquifer

DISCOVERY HARBOUR



Source: U. S. Geological Survey, 2012. County of Hawaii, 2015.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



DATE: 6/2/2016

LEGEND

Project Lots

Streams

Not Perennial

Perennial

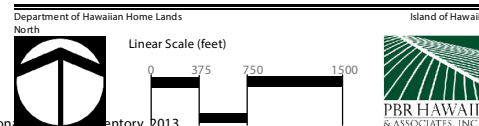
Wetlands (none shown)

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

FIGURE 10:

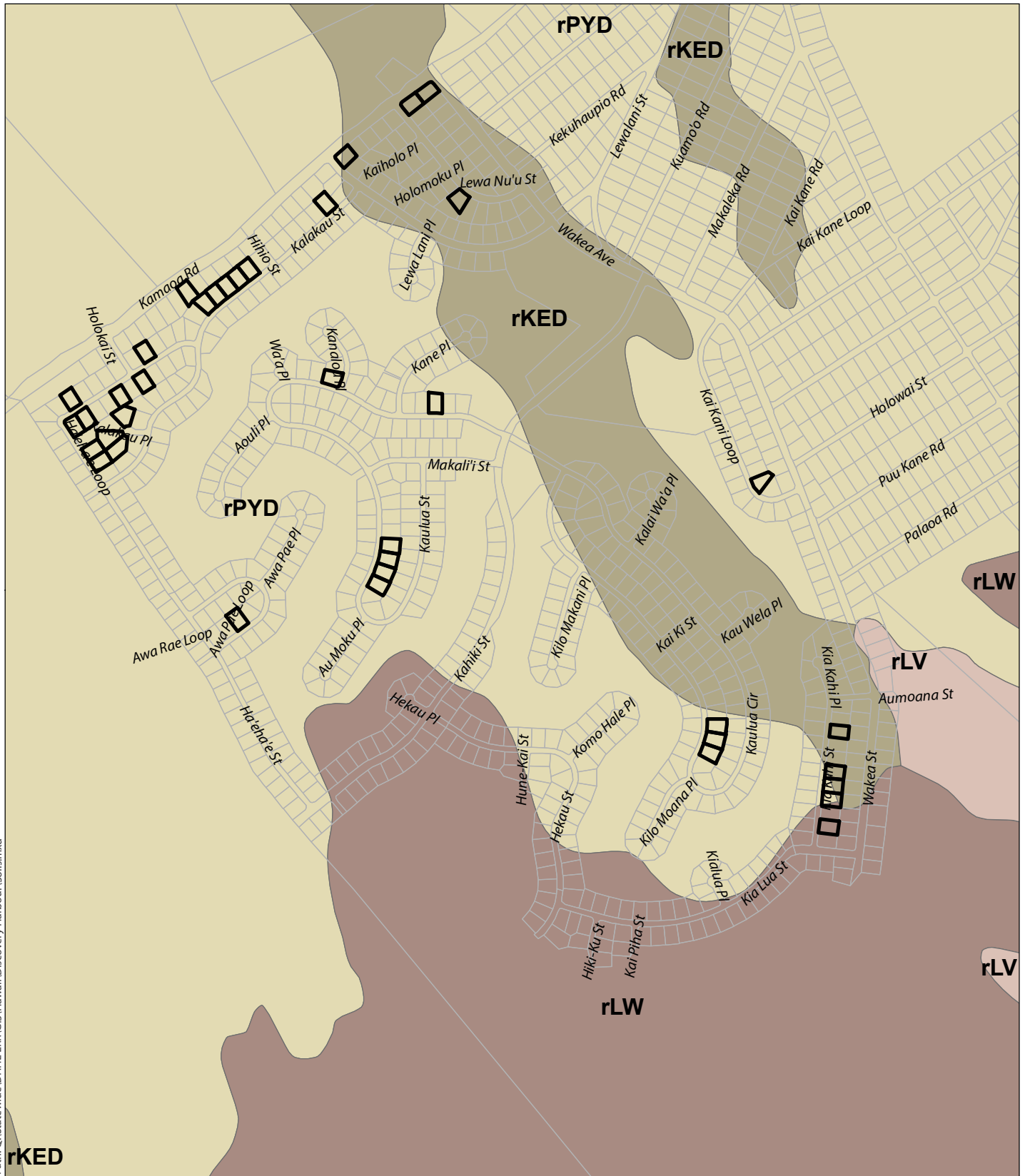
Wetlands

DISCOVERY HARBOUR



Source: ESRI online basemap. County of Hawaii, 2014. Hawaii Department of Land and Natural Resources Division of Aquatic Resources, 2008. USFWS National Wetlands Inventory, 2013.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



DATE: 6/2/2016

LEGEND

- Project Lots
- Tax Map Key Parcels

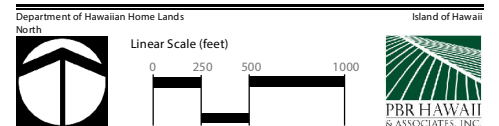
Hawaii Soils

- Kaimu extremely stony peat, 7 to 25 percent slopes
- Lava flows, aa
- Lava flows, pahoe-hoe
- Punaluu extremely rocky peat, 6 to 20 percent slopes

FIGURE 11:

Soil Survey

DISCOVERY HARBOUR

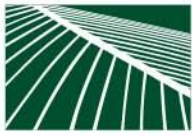




PBR HAWAII
 & ASSOCIATES, INC.

Exhibit A

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PBR HAWAII
& ASSOCIATES, INC.

PRINCIPALS

THOMAS S. WITTEN, ASLA
Chairman

R. STAN DUNCAN, ASLA
President

RUSSELL Y. J. CHUNG, FASLA, LEED®AP BD+C
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP, LEED®AP BD+C
Vice-President

TOM SCHNELL, AICP
Principal

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

RAYMOND T. HIGA, ASLA
Senior Associate

KIMI MIKAMI YUEN, LEED®AP BD+C
Senior Associate

SCOTT ALIKA ABRIGO, LEED®AP BD+C
Managing Director - Kapolei

ROY TAKEMOTO
Managing Director - Hilo

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

MARC SHIMATSU, ASLA
Associate

CATIE CULLISON, AICP
Associate

HONOLULU OFFICE

1001 Bishop Street, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

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Tel: (808) 521-5631
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HILO OFFICE

1719 Haleloke Street
Hilo, Hawai'i 96720-1553
Tel/Cel: (808) 315-6878

CORRESPONDENCE RECORD

DATE: February 3, 2015

WITH: John Nakagawa /Hawai'i State Office of Planning,
Coastal Zone Management Program

WHEN: February 3, 2015

DISTRIBUTION: File

BY: Catie Cullison /PBR HAWAII

SUBJECT: **Federal Consistency Review of HUD-Funded
Projects**

1. The purpose of the phone call was to confirm the Hawai'i Coastal Zone Management Program does not review HUD-Funded Projects for Federal Consistency, as described in the attached letter from the Office of Planning dated June 24, 2004.

2. I confirmed with John Nakagawa, CZM staff that the policy stands.

This is our understanding of the topics discussed and the conclusions reached. Please give PBR HAWAII written notification of any errors or omissions within seven calendar days. Otherwise, this report will be deemed an accurate record and directive.

O:\Job31\3147.00 DHHL ERR Preparation Main\Letter Templates\Consultation Letters\CZM\2015_02_03_Phone
Record_Fed_Consistency.docx



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
STEVE BRETSCHNEIDER
DEPUTY DIRECTOR
MARY LOU KOBAYASHI
ADMINISTRATOR
OFFICE OF PLANNING

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-10520

June 24, 2004

Mr. Gordan Y. Furutani, Field Office Director
U.S. Department of Housing and Urban Development
Hawaii State Field Office
500 Ala Moana Boulevard, Suite 3A
Honolulu, Hawaii 96813

Dear Mr. Furutani:

Subject: Hawaii Coastal Zone Management (CZM) Program Federal Consistency
Requirements for U.S. Department of Housing and Urban Development
(HUD) Grant Programs

We have recently revised the Hawaii CZM Program list of federal assistance programs that require CZM federal consistency review by our office. We no longer review any HUD assistance programs, including Community Development Block Grants, and housing programs such as the Public Housing Capital Fund. Applicants for HUD assistance are no longer required to obtain CZM federal consistency approval for HUD assisted activities. Other CZM regulations such as the Special Management Area and Shoreline Setback provisions which are administered by the Counties, are still valid and may apply to HUD assisted projects. Each County Planning Department should be consulted for the applicability of Special Management Area and Shoreline Setback Area requirements. We suggest that the environmental checklist that applicants for HUD assistance must complete be modified to reflect the change in CZM requirements.

Thank you for your cooperation in ensuring compliance with Hawaii's CZM Program. If you have any questions, please contact John Nakagawa at 587-2878 or Debra Tom at 587-2840, of our CZM Program.

Sincerely,

Mary Lou Kobayashi

Mary Lou Kobayashi
Administrator

Exhibit B

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DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

January 15, 2016

VIA CERTIFIED MAIL

7013 2630 0002 3664 4582

Ms. Robyn Thorson, Regional Director
USFWS - Pacific Islands Office
300 Ala Moana Blvd., Rm 3-122
Box 50088
Honolulu, HI 96850

**SUBJECT: REQUEST FOR USFWS CONCURRENCE WITH DETERMINATION OF NOT
LIKELY TO ADVERSELY AFFECT THREATENED, ENDANGERED, OR CANDIDATE
SPECIES FOR THE HO'OLEHUA INFILL LOTS LOCATED IN THE DISTRICT AND
ISLAND MOLOKA'I, COUNTY OF MAUI**

Dear Ms. Thorson:

The Department of Hawaiian Home Lands (DHHL) has been awarded Native American Housing Assistance and Self Determination Act (NAHASDA) funds from the U.S. Department of Housing and Urban Development (HUD) to build new homes on infill lots within existing neighborhoods. In compliance with the requirements of these funding sources and Section 7 of the Endangered Species Act of 1973, I am requesting that your office indicate concurrence with the DHHL determination of NOT LIKELY TO ADVERSELY AFFECT THREATENED, ENDANGERED, OR CANDIDATE SPECIES for the subject action. To support this finding, DHHL proposes to implement the conservation measures included in this letter.

Project Location:

The project includes 22 vacant lots within DHHL's Ho'olehua subdivision. The lots are scattered throughout Ho'olehua and are generally bound by Lihi Pali Avenue to the north and east, Moloka'i High School to the east, Farrington Avenue to the south, and agricultural land to the west. Please see enclosed map.

Proposed Action:

The proposed action is construction of single-family dwellings on scattered lots within the existing Ho'olehua subdivision using Native

American Housing and Self Determination Act (NAHASDA) funds. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by the DHHL water system and individual onsite septic systems will be used, therefore no infrastructure improvements are proposed.

Related Action:

Please note that informal consultation between DHHL and USFWS for the construction of infill development within nearby Kalama'ula Residential Lots has recently occurred (your records EPIF00-2015-1-0258, -0261, -0262 & EPIF00-2016-I-0262). Informal consultation for the repair and rehabilitation of six homes on Moloka'i has also been conducted in the last year (your records EPIF00-2015-1-0197). These consultation requests followed earlier technical assistance provided by USFWS staff (your records 2015-TA-0339). This consultation request is separate and not meant to replace prior efforts. Rather, it is an effort to address all remaining vacant lots within the Ho'olehua subdivision in a single action.

Federally Threatened & Endangered Species:

A review of our records finds that there is no Critical Habitat in the project area (see enclosed critical habitat map). However, it is our understanding that the following federally identified threatened or endangered species may transit the area:

- Hawaiian hoary bat (*Lasiurus cinereus semotus*), Endangered
- Hawaiian seabirds: Hawaiian petrel (*Pterodroma sandwichensis*), Endangered and Newell's shearwater (*Puffinus newelli*), Threatened
- Blackburn's sphinx moth (*Manduca blackburni*), Endangered

Proposed Avoidance and Minimization Measures:

To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:

Hawaiian hoary bat (*Lasiurus cinereus semotus*), Endangered

The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects

from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action.

Hawaiian seabirds (*Pterodroma sandwichensis*), Endangered and Newell's shearwater (*Puffinus newelli*), Threatened

Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To minimize potential project impacts to seabirds during their breeding season, all outdoor lights will be fully shielded so the bulb can only be seen from below bulb height and only used when necessary. Automatic motion sensor switches and controls should be installed on all outdoor lights or lights should be turned off when human activity is not occurring in the lighted area. Any increase in night-time lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in seabird injury or mortality. Nighttime construction will be avoided during the seabird fledging period, September 15 through December 15. If nighttime construction occurs during other times of year, all lighting should be shielded and directed toward the ground to avoid attracting adult seabirds as they travel from the ocean to their breeding areas.

Blackburn's sphinx moth (*Manduca blackburni*), Endangered

The adult moth feeds on nectar from native plants including beach morning glory (*Ipomoea pescaprae*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (*Nicotiana glauca*), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (*Nothocestrum sp.*).

Determination:

Based on the above, DHHL has determined that the proposed action is NOT LIKELY TO ADVERSLY AFFECT THREATENED, ENDANGERED, OR CANDIDATE SPECIES.

Please submit written comments within 30 days to:

Robyn Thorson, Regional Director
USFWS - Pacific Islands Office
January 15, 2016
Page 4 of 4

PBR HAWAII
Attn: Catie Cullison
1001 Bishop Street, Suite 650
Honolulu, HI 96813

If we do not receive a response within 30 days from the date of receipt, we shall assume that your agency concurs with this determination of NOT LIKELY TO ADVERSELY AFFECT THREATENED, ENDANGERED, OR CANDIDATE SPECIES, that your agency does not wish to comment on this project, and mitigating actions beyond the measures described above are not required.

Should you require any further information regarding this project, please contact me at Niniau.Simmons@hawaii.gov or (808) 620-9513.

Me ka mahalo nui,

A handwritten signature in blue ink, appearing to read 'Niniau Simmons', is written over a horizontal line.

Niniau Simmons, NAHASDA Manager

Enclosures: Regional Location Map
 Critical Habitat Map
 USFWS Suggested Minimization Measures
 Site Visit Photos

c: PBR HAWAII & Associates

Exhibit C

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DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOHN M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. ALFA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

7, D. BOX 1579
HONOLULU, HAWAII 96806

April 20, 2016

VIA CERTIFIED MAIL

7015 0640 0006 8124 3058

Dr. Alan Downer, Administrator
State of Hawai'i
DLNR, State Historic Preservation Division
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, HI 96707

**SUBJECT: NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 AND HRS 6E
CONSULTATION FOR THE DISCOVERY HARBOUR SCATTERED LOTS LOCATED IN
THE IN THE KA'Ū DISTRICT, ISLAND AND COUNTY OF HAWAII**

Dear Dr. Downer,

The Department of Hawaiian Home Lands (DHHL) has been awarded Native American Housing Assistance and Self Determination Act (NAHASDA) funds from the U.S. Department of Housing and Urban Development (HUD) to build new homes on infill lots within existing neighborhoods.

Discovery Harbour is located in the Ka'ū District, island and County of Hawai'i and spans across three ahupua'a, Palauhuhu, Waiomao, Kiolakaa. The Department of Hawaiian Home Lands (DHHL) owns 40 lots within the Discovery Harbour subdivision, 38 of which are vacant ("Project"). The DHHL-owned lots are scattered throughout Discovery Harbour and are generally bounded by Kamooa Road to the north, Ha'eaba'e Street to the west, Kahiki, Hekau, and Kia Lua Streets to the south, and Wakea Street to the east. See the enclosed Regional Location Map.

Enclosed is an application for combined Section 106/HRS Chapter 6E Historic Preservation Review for the subject project. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (36 CFR Part 800), and Section 6E-8 of the Hawai'i Revised Statutes, DHHL would like to formally initiate consultation and request concurrence with our determinations on this Project.

Undertaking:

The objective of the Project is to use NAHASDA funds to provide infill development of single-family homes within the existing Discovery Harbour subdivision. This would involve encouraging existing lessees to build where the lot has sat vacant all these years through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by County water system and will be served by individual onsite septic systems; therefore no infrastructure improvements are proposed.

Area of Potential Effect:

Given the nature and scope of the activities proposed, the area of potential effect (APE) for the undertaking is defined as the boundaries of the 38 subdivision lots as shown in the Regional Location Map.

Determination:

On the basis that no known archaeological resources are present within the APE based on research and consultation with Native Hawaiian organizations, DHHL has made a determination of HISTORIC PROPERTIES NOT LIKELY TO BE ADVERSELY AFFECTED for this undertaking. In compliance with the requirements of these funding sources and Section 106 of the National Historic Preservation Act of 1966, I am requesting that your office indicate concurrence with the DHHL determination of HISTORIC PROPERTIES NOT LIKELY TO BE ADVERSELY AFFECTED.

Please submit written comment within 30 days to:

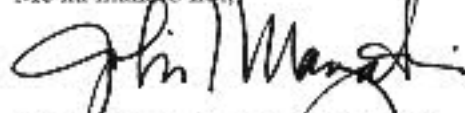
PBR HAWAII & Associates, Inc.
Attn: Roy Takemoto, Managing Director-Hilo Office
1001 Bishop Street, Suite 650
Honolulu, HI 96813-3484

If we do not receive a response within 30 days from date of letter, we shall assume that your agency concurs with the Area of Potential Effect as well as this determination of HISTORIC PROPERTIES NOT LIKELY TO BE ADVERSELY AFFECTED.

Should you require any further information regarding this project, please contact Niniau Simmons, our NAHASDA manager, at Niniau.Simmons@hawaii.gov or (808) 620-9513.

Thank you for your assistance.

Me ka mahalo nui,


Jobie M. K. Masagatani, Chairman

Enclosure

cc: PBR HAWAII

FOR SHPD USE ONLY:**LOG IN #: 20** ____
TMK #: () ____ - ____ - ____ : ____Received Date ____/____/____
Response Date ____/____/____
Sent Date ____/____/____Date Due ____/____/____
Log In Date ____/____/____
Log Out Date ____/____/____

REV 4/15

DATE STAMP

**State of Hawaii**
Department of Land and Natural Resources
State Historic Preservation DivisionKakuhihewa Building, 601 Kamokila Blvd., Suite 555, Kapolei, HI 96707
Ph: (808) 692-8015 Fax: (808) 692-8020
DLNR.Intake.SHPD@hawaii.gov**APPLICATION FOR HISTORIC PRESERVATION REVIEW**

Please complete one copy of this form for each project for which review is requested and attach it to all information submitted to this office for review. This application is required for both Chapter 6E and Section 106 review processes. Complete and submit one form for each project/building permit required to be reviewed for Chapter 6E and Section 106 review. Applications must be accurate and complete for review to begin. Incomplete or inaccurate applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application.

I. APPLICATION INFORMATION☒ **NEW SUBMITTAL**

(if this is a new submittal please complete Section II)

☐ **MORE INFORMATION RELATING TO LOG#: 20** ____ . ____; **in response to DOC#:**

(if you have checked this box and noted the previous LOG IN # assigned by this office you do not need to continue unless the required information below has changed)

II. PROPERTY INFORMATION and AREA OF POTENTIAL EFFECTS**Project Name:** Discovery Harbour Infill Lots**Project Address/Location:** Discovery Harbour, Ka'ū District**City/Town/Place Name:** Discovery Harbour **County:** Hawai'i**TMK # ():** Various parcels within tax map plats 9-4-016, -017, -018, -019, -021, -023, -024**Area of Potential Effects:**

(Every project has an Area of Potential Effect (APE). The APE includes the entire area within which historic properties could be affected by the project. This includes all areas of construction, demolition, and ground disturbance (direct effects) and the broader surrounding area that might experience visual or other effects from the project (indirect effects)

The APE is the aforementioned TMKs.**Acreage of APE:** Approximately 150 acres**APE Map:**☒ **Attachment I:** (submit separately or include at the end of this document)

SHPD requires map(s) locating the project and outlining the Area of Potential Effect. Include a map locating the project in the community. The map must clearly show street and road names surrounding the project area as well as the location of all portions of the project. Appropriate maps include tax maps, Sanborn Insurance maps, GIS or satellite maps, and/or USGS quadrangle maps.

FOR SHPD USE ONLY:**LOG IN #: 20** ____/____/____**TMK #: ()** ____ - ____ - ____ : ____

Received Date ____/____/____

Date Due ____/____/____

Response Date ____/____/____

Log In Date ____/____/____

Sent Date ____/____/____

Log Out Date ____/____/____

REV 4/15

DATE STAMP

III. LAND USE**Previous Land Use/Disturbances:**

(Include general description of the land disturbance when the building was originally constructed and any subsequent land disturbance caused by additions or construction of out-buildings)

The Discovery Harbour subdivision is an existing neighborhood that was previously graded at the time of subdivision. The Department of Hawaiian Home Lands (DHHL) infill lots within Discovery Harbour include 38 vacant lots and cover approximately 13 acres.

Current Land Use/Conditions:

(Include a general description of the current land use and the current condition of the property)

Discovery Harbour is a covenant controlled community of over 800 lots. The subdivision was originally built around an 18-hole Robert Trent Jones Sr. golf course, which is currently privately owned and not open to the public. However, the homes adjacent to the golf course enjoy expansive ocean and/or mountain views over the fairways and greens. The DHHL vacant lots are mostly overgrown with natural vegetation.

Does the landowner know of any archaeological resources found on the property?

(If so, then please describe.)

The landowner is not aware of archaeological resources within the APE. In addition, consultation with Native Hawaiian Serving Organizations did not result in the identification of any known archaeological resources.

IV. IDENTIFICATION OF HISTORIC PROPERTIES**Part A.**

Does the project area or area of potential effects include buildings, structures, or designed landscape features (such as parks or cemeteries) that are 45 years of age or older?

☐ **YES** (please complete the rest of this section)

☒ **NO** (please skip this section and move on to the next)

Part B. Determination of Eligibility:

☐ The property is **listed** on the State or National Register of Historic Places. Please provide the property's Historic Name or Name of the Historic District the property Contributes to: [Click here to enter text.](#)

☐ The property is **eligible** for listing on the State or National Register of Historic Places

☒ The property is **not eligible** for listing on the State or National Register of Historic Places

Inventory of Resources:

(Please include a list of each building/structure on the site and what the date of construction is for each building/structure)

No structures are present within the APE.

FOR SHPD USE ONLY: Received Date ____/____/____ Response Date ____/____/____ Sent Date ____/____/____	LOG IN #: 20 ____ TMK #: () ____ - ____ : ____ Date Due ____/____/____ Log In Date ____/____/____ Log Out Date ____/____/____	DATE STAMP
REV 4/15		
V. PROJECT WORK DESCRIPTION		

Project Type (check all that applies):

<input type="checkbox"/> Repair, Rehabilitation, or Renovation of Structure(s)	<input type="checkbox"/> Addition to Existing Structure(s)
<input checked="" type="checkbox"/> Site Excavation/Ground Disturbing Activity	<input checked="" type="checkbox"/> New Construction
<input checked="" type="checkbox"/> Utilities and Infrastructure	<input type="checkbox"/> Other:

*If site excavation/ground disturbing activity is to occur, please explain the proposed ground disturbing activity including width, length, and depth of activity within the project work description

Part A. Project Work Description (and project drawings if available)

- ☒ **Attachment II:** (submit separately or include at the end of this document)
- SHPD requires a detailed written description of the project/scope of work (and project drawings if available). Attach a full description of the nature and extent of the work to be undertaken as part of this project. Plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc., **cannot** be substituted for the written description. Please attach a full written project work description outlining the scope of work to be undertaken through this project. **If site excavation/ground disturbing activity is to occur, please explain the proposed ground disturbing activity including width, length, and depth of activity within the project work description**

Part B. Photographs

- ☒ **Attachment III:** (submit separately or include at the end of this document)
- SHPD requires photo documentation of the project area and the APE. Photographs may be black and white prints, color prints, or color laser/photo copies; standard (black and white) photocopies are NOT acceptable. If the project involves rehabilitation, include photographs of the building(s) involved. Label each exterior view to a site map and label all interior views. If the project involves new construction, include photographs of any buildings (fifty years old or older) that are located on the project property or on adjoining property.
- ☐ NORTH ELEVATION
 - ☐ SOUTH ELEVATION
 - ☐ EAST ELEVATION
 - ☐ WEST ELEVATION
 - ☐ PHOTO KEY

Is there any interior work involved within the scope of work for the proposed project?

- ☐ YES ☒ NO

If there is interior work involved within the scope of work please provide interior photographs of the area(s) where proposed work is to occur.

- ☐ INTERIOR PHOTOGRAPHS
- ☐ INTERIOR PHOTOGRAPH KEY

VI. DETERMINATION OF EFFECT

Part A. Determination of Effect

- ☒ There are no historic properties within the APE, therefore no **historic properties** will be **effected**.
- ☐ There are historic properties within the APE, but the project will have **no adverse effect** on historic properties.
- ☐ There are historic properties within the APE and the project will have an **adverse effect** on historic properties.

FOR SHPD USE ONLY: Received Date ____/____/____ Response Date ____/____/____ Sent Date ____/____/____	LOG IN #: 20 ____ TMK #: () ____ - ____ - ____ : ____ Date Due ____/____/____ Log In Date ____/____/____ Log Out Date ____/____/____	DATE STAMP <div style="text-align: right; font-size: small;">REV 4/15</div>
VII. CONSULTATION		

Part A. Consultation with Interested Parties/Public Notification

(The SHPD is only one consulting party under Section 106 (36 CFR 800.2). Other Participants entitled to comment on the Section 106 process include Native Hawaiian Organizations, interested parties, and the public. For more information about consulting parties and satisfying the public notification element of Section 106 consultation please refer to the instructions for this form.)

Consulting Parties included within this Section 106 Consultation (see Attachment IV):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Office of Hawaiian Affairs (OHA)
<input checked="" type="checkbox"/> Hawaii Island Burial Council (HIBC)
<input type="checkbox"/> Kauai Island Burial Council (KIBC)
<input type="checkbox"/> Oahu Island Burial Council (OIBC)
<input type="checkbox"/> Historic Hawaii Foundation (HHF) | <input type="checkbox"/> Public Notice: (which publication/when) Click here to enter text.
<input type="checkbox"/> Maui/Lanai Islands Burial Council (MLIBC)
<input type="checkbox"/> Molokai Island Burial Council (MIBC)
<input checked="" type="checkbox"/> Other Consulting Parties (including Native Hawaiian Organizations, Civic Clubs, etc.) <u>NHOs listed by DOI Office of Native Hawaiian Relations</u> |
|---|--|

VIII. CONTACT INFORMATION

Contact information may vary between the Section 106 and Chapter 6E consultation processes. If this application is being submitted in request for **both** Chapter 6E and Section 106 review, please indicate **all parties that will need to be consulted** in the fields reserved below. If this application is being submitted for **only** Section 106; or only Chapter 6E please **only fill out the required contact information for either consultation process below**. Any additional contacts that do not fit within the fields below must be included at the back of the form on a typed 8.5x11 sheet of paper, labeled Attachment VIII: Additional contacts.

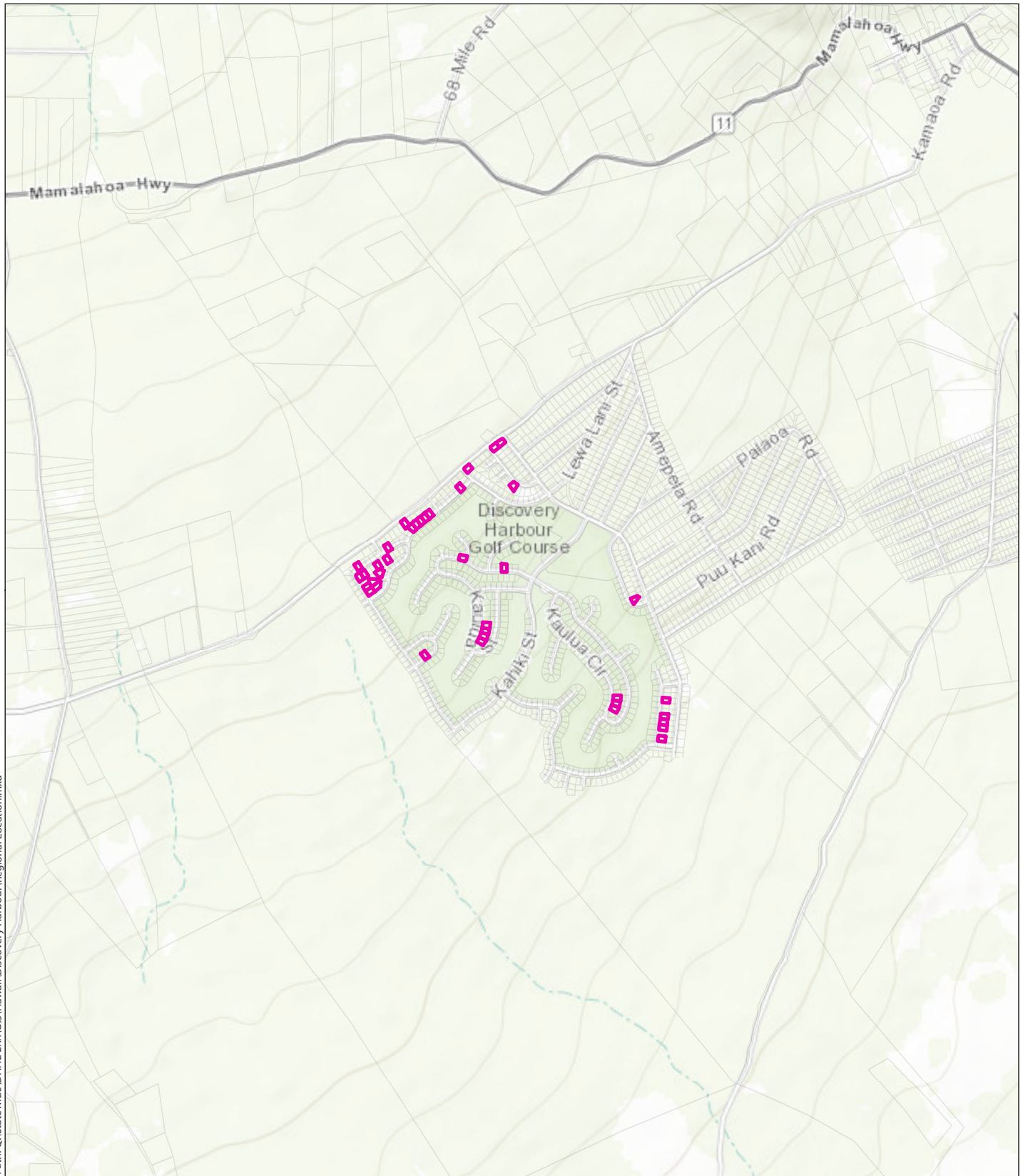
Contact Information

Federal Agency: <table style="width: 100%;"> <tr> <td style="width: 40%;">Contact Name:</td> <td style="width: 20%;">Title:</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Address:</td> <td>City:</td> <td>State:</td> <td>Zip:</td> </tr> <tr> <td>Phone:</td> <td>Fax:</td> <td colspan="2">Email:</td> </tr> </table>				Contact Name:	Title:			Address:	City:	State:	Zip:	Phone:	Fax:	Email:	
Contact Name:	Title:														
Address:	City:	State:	Zip:												
Phone:	Fax:	Email:													

State/City/County Agency (if applicable): Hawai'i State Department of Hawaiian Home Lands			
Contact Name: Ms. Niniau Simmons		Title: NAHASDA Manager	
Address: 91-5420 Kapolei Parkway		City: Kapolei State: HI Zip: 96707	
Phone: (808) 620-9513		Fax: (808) 620-9529 Email: niniau.simmons@hawaii.gov	



Non-Government Project Proponent/Consultant: PBR HAWAII, Inc.			
Contact Name: Mr. Roy Takemoto		Title: Managing Director-Hilo Office	
Address: 1001 Bishop Street, Suite 650		City: Honolulu State: HI Zip: 96813	
Phone: (808) 521-5631		Fax: (808) 523-1402 Email: rtakemoto@pbrhawaii.com	

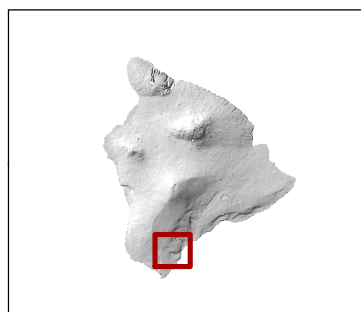
Attachment I



DATE: 2/25/2016

LEGEND

-  Area of Potential Effect
-  Tax Map Key Parcels



Regional Location Map

DISCOVERY HARBOUR

Department of Hawaiian Home Lands

Island of Hawaii

North



Linear Scale (miles)



Attachment II

ATTACHMENT II Project Work Description

Project Location:

Discovery Harbour is located in the Kaʻū District, island and County of Hawaiʻi and spans across three ahupuaʻa, Palauhulu, Waiomao, Kiolakaa. The Department of Hawaiian Home Lands (DHHL) owns 40 lots within the Discovery Harbour subdivision, 38 of which are vacant. The DHHL-owned lots are scattered throughout Discovery Harbour and are generally bounded by Kamaoa Road to the north, Haʻehaʻe Street to the west, Kahiki, Hekau, and Kia Lua Streets to the south, and Wakea Street to the east. See the enclosed Regional Location Map.

Property Description:

Discovery Harbor is a covenant-controlled community of over 800 lots. The subdivision was originally built around an 18-hole Robert Trent Jones Sr. golf course, which is currently privately owned and not open to the public. However, the homes adjacent to the golf course enjoy expansive ocean and/or mountain views over the fairways and greens.

Description of the Proposed Project

The proposed action is construction of single-family dwellings on scattered lots within an established residential subdivision. The objective of the project is to use NAHASDA funds to provide infill development of single-family homes within the existing Discovery Harbour subdivision. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by County water system and individual onsite septic systems will be used, therefore no infrastructure improvements are proposed.

Surrounding Land Uses:

Discovery Harbour is located adjacent to or in proximity to large tracts of land held by Kamehameha Schools, G.K. McMickle and the State of Hawaiʻi Department of Land and Natural Resources (DLNR) as well as other small land owners. DLNR manages approximately 237,410 acres of land in Kaʻū. Their mauka landholdings closely correspond with critical habitat for forest birds and the Kaʻū Forest Reserve. Kamehameha Schools landholdings adjacent to Discovery Harbour remain undeveloped.

Historic and Archaeological Resources:

Historic. Kaʻū is the largest district in Hawaiʻi Island. It was the starting point for many journeys to other Pacific island. It is likely that Kaʻū was the first place settled by Polynesians in all of Hawaiʻi. The National Historic Landmarks Program identifies South Point, approximately 16 miles from Discovery Harbour as the location of earliest record of occupation at 124 AD.

Archaeological Resources. The Discovery Harbour subdivision is an existing neighborhood that was previously graded at the time of subdivision. According to consultation with Native Hawaiian Serving Organizations, no known archaeological resources are known to exist within the Project Area.

Attachment III

Discovery Harbour Scattered Lots

Kaulua Circle LOT NOS. 122, 123, 124



Kaulua Street LOT NO. 262



Discovery Harbour Scattered Lots

Kaulua Street/Kanaloa Place LOT NO. 294



Kaulua Street LOT NOS. 369, 370, 371, 372



Discovery Harbour Scattered Lots

Awa Pae Loop LOT NO. 451



Kamaoa Road LOT NO. 525



Discovery Harbour Scattered Lots

Kama'oa Road/Lewa Nuu Road LOT NO. 541



Kamaoa Road/Wakea Avenue LOT NO. 542



Discovery Harbour Scattered Lots

Lewa Nuu Street LOT NO. 573



Kamaoa Road/Lewa Lani Street LOT NO. 595



Discovery Harbour Scattered Lots

Kalakau Street LOT NO. 599



Kalakau Street LOT NOS. 606, 607, 608, 609, 610



Discovery Harbour Scattered Lots

Ha'eha'e Loop LOT NO. 616



Ha'eha'e Loop LOT NO. 622



Discovery Harbour Scattered Lots

Ha'eha'e Loop LOT NO. 627



Ha'eha'e Loop LOT NO. 628



Discovery Harbour Scattered Lots

Ha'eha'e Loop LOT NO. 631



Ha'eha'e Loop LOT NO. 633



Discovery Harbour Scattered Lots

Kalakau Place LOT NOS. 646, 647



Kalakau Place LOT NO. 651



Discovery Harbour Scattered Lots

Ha'eha'e Loop LOT NO. 651



Ha'eha'e Loop LOT NO. 652



Discovery Harbour Scattered Lots

Kia Kahi Street

LOT NO. 748



Kia Kahi Street

LOT NOS. 750, 751, 752



Discovery Harbour Scattered Lots

Kia Kahi Street

LOT NO. 755

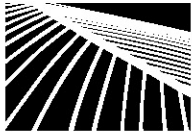


Kai Kane Loop

LOT NO. 799



Attachment IV



PBR HAWAII

& ASSOCIATES, INC.

PRINCIPALS

THOMAS S. WITTEN, FASLA
Chairman

R. STAN DUNCAN, ASLA
President

RUSSELL Y. J. CHUNG, FASLA, LEED®AP BD+C
Executive Vice-President

VINCENT SHIGEKUNI
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GRANT T. MURAKAMI, AICP, LEED®AP BD+C
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TOM SCHNELL, AICP
Principal

W. FRANK BRANDT, FASLA
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ASSOCIATES

RAYMOND T. HIGA, ASLA
Senior Associate

KIMI MIKAMI YUEN, LEED®AP BD+C
Senior Associate

SCOTT ALIKA ABRIGO, LEED®AP BD+C
Managing Director - Kapolei

ROY TAKEMOTO
Managing Director - Hilo

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

MARC SHIMATSU, ASLA
Associate

CATIE CULLISON, AICP
Associate

HONOLULU OFFICE
1001 Bishop Street, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbthawaii.com

KAPOLEI OFFICE
1001 Kamokila Boulevard
Kapolei Building, Suite 313
Kapolei, Hawai'i 96707-2005
Tel: (808) 521-5631
Fax: (808) 535-3163

HILO OFFICE
1719 Haleloke Street
Hilo, Hawai'i 96720-1553
Tel/Cel: (808) 315-6878

December 7, 2015

SUBJECT: SECTION 106 AND HRS 6E CONSULTATION FOR DISCOVERY HARBOUR SCATTERED LOTS

On behalf of the Department of Hawaiian Home Lands (DHHL), PBR HAWAII invites you to contribute feedback on the Discovery Harbour Scattered Lots project described below, pursuant to Section 106 of the National Historic Preservation Act (NHPA) and State of Hawai'i historic preservation law (Hawai'i Revised Statutes, Chapter 6E).

The purpose of Section 106 is to take into account the effect that Federal agency actions (including use of Federal funds) may have on historic properties within the area of potential effect. The purpose of Chapter 6E is to conserve and develop the historic and cultural property within the State for the public good.

You are receiving this letter either because you are a Native Hawaiian Organization (NHO) currently listed with the Office of Native Hawaiian Relations, or because you are a non-listed NHO but may wish to be involved based on your area of interest.

Project Description:

Name of Project: Discovery Harbour Scattered Lots

Location: Discovery Harbour

Island: Hawai'i

District: Ka'u

Tax Map Key: Various parcels within plats (3) 9-4-016, -017, -018, -019, -021, -023 and -024

Proposed Undertaking: The proposed action is construction of single-family dwellings on scattered lots within an established residential subdivision. The objective of the project is to use NAHASDA funds to provide infill development of single-family homes within the existing Discovery Harbour subdivision. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by County water system and individual onsite septic systems will be used, therefore no infrastructure improvements are proposed.

Area of Potential Effect (APE):

The Area of Potential Effect is proposed to be the vacant residential lots within the area defined by the enclosed map, which shows the project area and the APE. DHHL owns 40 lots within the Discovery Harbour subdivision, 38 of which are vacant. The DHHL-owned lots are scattered throughout Discovery Harbour and are generally bounded by Kamaoa Road to the north, Ha'ehe'e Street to the west, Kahiki, Hekau, and Kia Lua Streets to the south, and Wakea Street to the east.

SUBJECT: SECTION 106 AND HRS 6E CONSULTATION FOR DISCOVERY HARBOUR
SCATTERED LOTS

December 7, 2015

Page 2

Identified Historic Properties:

Based on previous regional planning, DHHL is not aware of any historic properties within the APE. Based on your knowledge, your NHO is encouraged to comment on *historic or potential historic properties, historic or potential historic districts, this project's area of potential effect, and the nature of these potential effects*. You are encouraged to identify other NHOs that should participate in the Section 106 consultation process for Keaukaha Residential Lots.

A federal Environmental Assessment (EA) is in the process of being prepared pursuant to the U.S. Department of Housing and Urban Development (HUD) regulations. The preliminary determination in the EA is anticipated to be no adverse effect. If you would like to review the EA when available, please request a copy by phone, letter, or email to any of the contacts listed below.

Your comments must be received or postmarked 30 days from the date of this letter, and must be accompanied with a full name and mailing address. Please reference "Section 106 Consultation- Discovery Harbour Scattered Lots" in your subject heading.

Responsible Entity: Department of Hawaiian Home Lands

Attn: Niniau Simmons
91-5420 Kapolei Parkway
Kapolei, HI 96707
Phone: (808) 620-9513
Fax: (808) 620-9529
Email: niniau.simmons@hawaii.gov

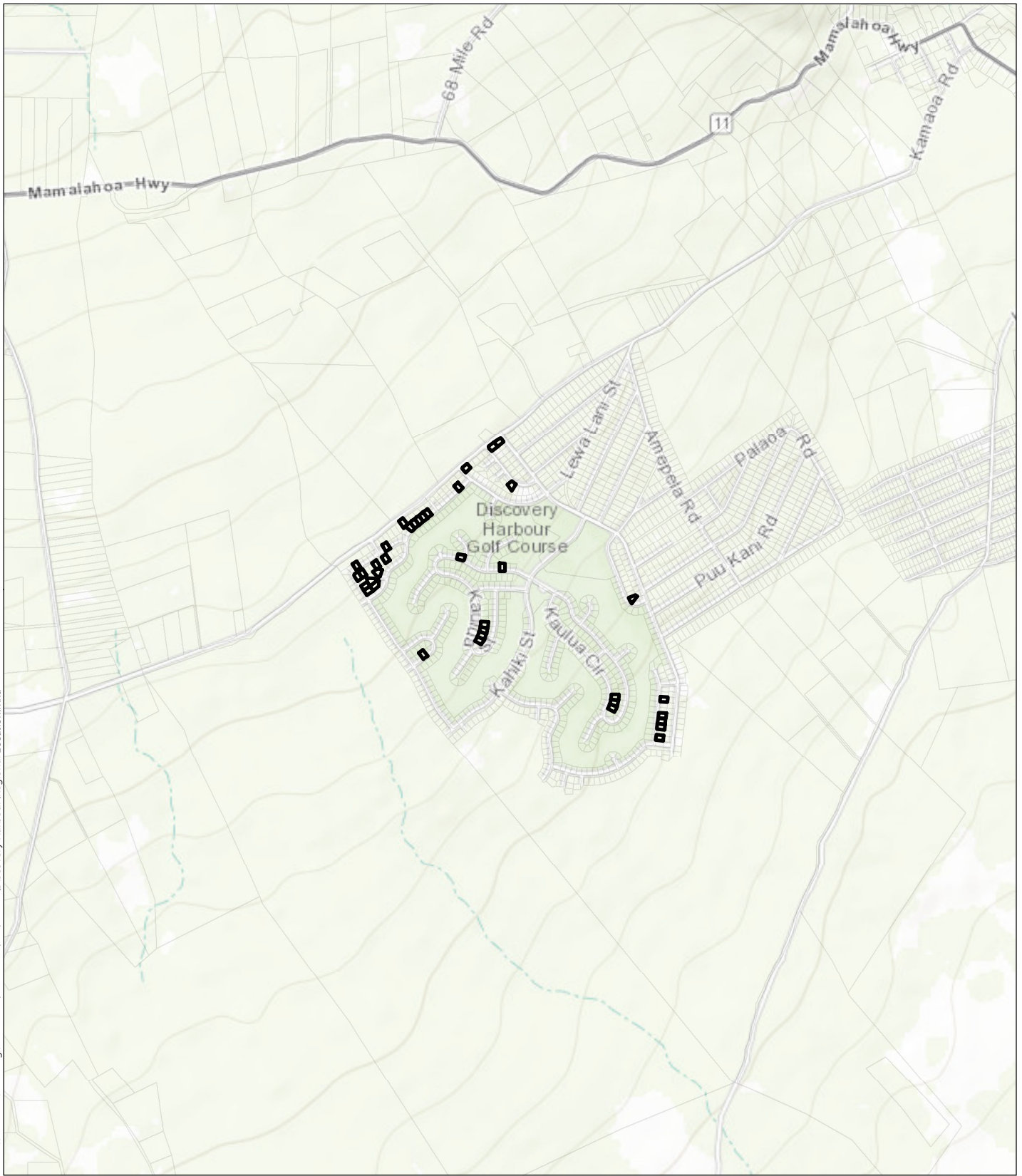
Consultant:

PBR HAWAII & Associates, Inc.
ATTN: Roy Takemoto, Managing Director- Hilo Office
1001 Bishop Street, Suite 650
Honolulu, Hawai'i 96813
Phone: (808) 521-5631
Fax: (808) 523-1402
Email: rtakemoto@pbrhawaii.com

Please send comments to the Consultant and/or the Responsible Entity.



Thank you for participating in the environmental review process.

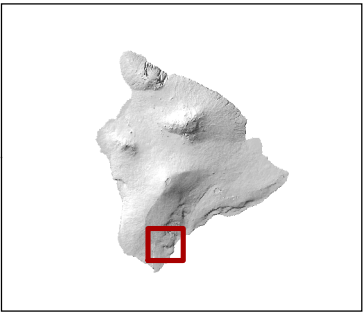
Cc: Department of Hawaiian Home Lands
State Historic Preservation Division



DATE: 10/2/2015

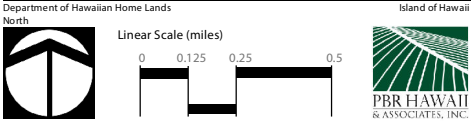
LEGEND

-  Discovery Harbour Lots/ Area of Potential Effect
-  Tax Map Key Parcels



Regional Location

DISCOVERY HARBOUR



Source: ESRI Online Basemaps. County of Hawaii, 2014.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

Regulations.gov will undergo infrastructure maintenance and be unavailable from 6am (ET) through 12pm (ET), Saturday, October 3.



Your comment was submitted successfully!

The Department of the Interior (DOI) Proposed Rule: Procedures for Reestablishing a Formal Government-to-Government Relationship with the Native Hawaiian Community

For related information, [Open Docket Folder](#)

3

Your Receipt

**Your Comment Tracking
Number: 1jz-8lg5-jct4**

Your comment may be viewable on Regulations.gov once the agency has reviewed it. This process is dependent on agency public submission policies/procedures and processing times. Use your tracking number to find out the status of your comment.

tlenchanko1@hawaii.rr.com

Email Receipt



Your comment:

Comment:

October 01, 2015

The Kingdom of Hawaii continues to exist...

anoai welina aloha

We, aha kukaniloko koa mana mea ola kanaka maui Hawaiian Lineal Descendants, require of the Department of Interior
1] reveal and affirm clear, unbroken chain of ownership to Kingdom of Hawaii National Government land; 2] prove transfer of
"exclusive territorial jurisdiction" of Kingdom of Hawaii National Government land throughout the Hawaiian Archipelago to the United States Federal government; 3] the accountability of the Law of

Land Warfare, Field Manual 27-10 relative to the United States military occupation of the Kingdom of Hawaii, circa January 17, 1893 to present time...

Kingdom of Hawaii declaration through the treaty of Friendship, Commerce, Navigation and Extradition 1849, "There shall be perpetual peace and amity between the United States of America and the King of the Hawaiian Islands, Ko Hawaii Pae Aina, his heirs and his successors" has never been abrogated, although violated time and time again by the United States of America and their agents.

The United States of America reflects a pattern of conspiracy, deceit and explicit attempts to destabilize the sovereign independency of Ko Hawaii Pae Aina, an act of aggression against a nation at peace; aiding and abetting the creation of puppet governments, 1893 the provisional government and 1897 the republic of hawaii, engaging and adopting a treaty of annexation in violation of international law and the Constitution of the United States of America. Both the republic of hawaii and the United States of America were operating with unclean hands. They passed papers between themselves in a self-promotional campaign, knowing full well that there were no substance to the documents called the constitution of the republic of hawaii, the treaty of annexation and the joint resolution of the American congress.

A de facto government does not become a government de jure when working with an international co-delinquent to effectuate the termination of the life of a nation.

In closing, Chief Justice John Marshall asserted, "The jurisdiction of the nation within its own property is necessarily exclusive and absolute. It is susceptible of limitation not imposed by itself."

Therefore, the laws of the United States of America have no extra-territorial jurisdiction beyond its natural borders, unless permitted by customary or treaty law. There are no customary or treaty laws which permit the laws of the United states of America to apply to Ko Hawaii Pae Aina a me kanaka maui.

Note: United States Constitution Article VI: a state in international law or individuals acting as agents of the state may not excuse themselves for violations of international law on the basis that its municipal and internal constitution or laws permitted such violations.

ike pono a me hooiaio pule paulele

Thomas Joseph Lenchanko, Kingdom of Hawaii, Hawaiian National and Private Citizen

kahuakaiola ko laila waha olelo aha kukaniloko koa mana mea ola
kanaka maui 10/01/2015

Uploaded File(s) (Optional)

No files uploaded

**This information will appear on
Regulations.gov:**

*None of the information will be
displayed on Regulations.gov*

**This information will not appear on
Regulations.gov:**

First Name:	ZIP/Postal
Thomas	Code:
Joseph	96786

Last Name:	Email
Lenchanko	Address:
	tlenchanko1@h
	awaii.rr.com

Malu'ōhai Residents' Association
P.O. Box 700911
Kapolei, HI 96707

December 23, 2015

Roy Takemoto
Managing Director – Hilo Office
PBR Hawai'i & Associates
1001 Bishop St., Suite 650
Honolulu, HI 96813

Re: Section 106 and HRS 6E Consultation For Discovery Harbour Scattered Lots

Aloha e Mr. Takemoto:

It is Malu'ōhai's position when matters that may have direct impact or affect an area outside of our ahupua'a or moku; it is best left to the stakeholders/beneficiaries who live in and by nature are the experts of that area to contribute their mana'o.

We appreciate your efforts in following the consultation process, and choose to defer to the stakeholders and those with expertise in the referenced area.

We applaud DHHL's efforts to provide more opportunities for beneficiaries to become homeowners and/or to have their homes rehabilitated.

Mahalo for the opportunity to provide our comments.

O wau me ka ha'a ha'a



Homelani Schaedel,
President

cc: Niniau Simmons
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707



Mele Anna Kawaiaaea, LLC

December 23, 2015

Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Sir, Aloha!

REF.: Section 106 Consultation – Discovery Harbour Scattered Lots

The purpose of this correspondence is in response to your letter dated 7 December 2015 concerning the National Historic Preservation Act, Sec. 106 and HRS 6E – Consultation for the Discovery Harbour Scattered Lot project, district of Ka‘u on Hawai‘i island. Furthermore, we understand this project is an undertaking by the Department of Hawaiian Home Lands (DHHL) for the construction of single-family dwellings within an established residential subdivision.

The Mele Anna Kawaiaaea, LLC is a non-profit organization whose membership includes her descendants and real estate located on the island of Maui. Regarding the area of potential effect (APE) there being no identified historic properties; however, it states within the letter “Section 106 consultation process for Keaukaha Residential Lots.”

Our concerns relating to the “historic and potential historic” issues addresses the discussion regarding Discovery Harbour Scattered Lots and wanted a clearer understanding or if there is any relationship with the Keaukaha properties. Until then, we would like to withhold our comments until clarification of this matter is explained more thoroughly.

We hope this information and beneficiary consultation feedback is helpful for your department and at PBR Hawaii & Associates in this environmental review process.

Please feel free to contact us should you need further information.

Me ke aloha pumehana,

Paul P. Richards
Board of Director
Mele Anna Kawaiaaea, LLC

Mailed to: PBR Hawaii & Assoc., Inc.
Attn: Roy Takemoto
1001 Bishops St. #650
Honolulu, HI 96813

Mailed December 8, 2015 to all of those listed in the Department of Interior Native Hawaiian Organization List (<https://www.doi.gov/hawaiian/NHOL>) as of the date of mailing.

MR. G. UMI KAI
PRESIDENT
'AHA KĀNE
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