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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
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June 30, 2020

Mr. Keith Kawaoka, Acting Director
Office of Environmental Quality Control
235 South Beretania Street, Room 702
Honolulu, Hawai'i 96813-2437

Dear Mr. Kawaoka:

Subject: Docket No. A18-806/Barry Family Trust
Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI)
Proposed Barry Family Project
Kea'au, County of Hawai'i, State of Hawai'i
Tax Map Key: (3) 1-5-059: 059

On January 23, 2019, the Land Use Commission of the State of Hawai'i ("LUC") made a determination at its hearing that the subject project ("Proposed Action") triggered the requirement for HRS Chapter 343 review and that the LUC would be the approving agency.

On August 29, 2019, the LUC made a determination that the Applicant's (Barry Family Trust) Draft Environmental Assessment ("Draft EA") warranted an anticipated finding of no significant impact.

On June 25, 2020, based on the LUC's analysis of the significance criteria set forth in HAR §11 200.1-13 and the public comments received on the Draft EA, the LUC voted 7-0 to:

- (a) find that the Proposed Action will not likely have significant impacts on the environment; and
- (b) determine that a finding of no significant impact ("FONSI") is warranted for the Proposed Action.

With this letter, the LUC hereby transmits: (a) its Determination or Notice of a FONSI; and (b) the Final Environmental Assessment ("Final EA") for the State Land Use District Boundary Amendment situated at Tax Map Key No. (3) 1-5-059: 059, in the Kea'au district on the Island of Hawai'i, together with necessary materials for publication in the next available edition of the Environmental Notice.

Enclosed please find the following:

1. A completed OEQC Publication Form;
2. A searchable Adobe Acrobat PDF file of the same; and,
3. An electronic copy of the publication form in MS Word.

Below is the information required for a Determination or Notice of FONSI under HAR § 11-200-1.22(e):

Applicants

The applicants for the Proposed Action are Kevin M. Barry and Monica S. Barry, Trustees of the Barry Family Trust dated November 15, 2006 ("Applicants").

Approving Agency

The approving agency for the Proposed Action is the LUC.

Brief Description of the Proposed Action

Applicants have petitioned the LUC to reclassify approximately 0.51 acres of land located within the Hawaiian Paradise Park subdivision on the shoreline in Kea'au, Puna, County and State of Hawai'i, from the SLU Conservation District to the SLU Agricultural District. The Applicants are pursuing the DBA to allow for the construction of a modest dwelling and associated agricultural uses that the Applicants will use as their primary personal residence. The Project is proposed to also include a two-car garage, a lanai on the makai side of the home facing the Pacific Ocean, a courtyard on the mauka side of the home fronting Paradise Ala Kai Drive, a small swimming pool, infrastructure (*i.e.*, private water well, including an underground water storage tank, or private catchment system, underground individual wastewater system, and photovoltaic solar system), and appropriate landscaping.

Determination

The LUC has determined that the Proposed Action will not likely have significant impacts on the environment and that a FONSI is warranted.

Reasons Supporting Determination

The LUC's analysis and determination of a FONSI is based upon the significance criteria set forth in HAR §11-200.1-13. In summary, the LUC determined that, given the size, nature, and scope of the Proposed Action, as well as the surrounding environment and neighboring land uses, the Proposed Action:

- (a) will not impact any threatened or endangered plant or animal species;
- (b) will not impact any archaeological or cultural resources, or the exercise of traditional and cultural practices;
- (c) will not inhibit public access or impact public views;

- (d) will not impact or otherwise degrade the natural environment or any environmental resources, including air and water quality;
- (e) will not impact public health, services or facilities, or the socioeconomic welfare of the people of the State and County of Hawai'i; and
- (f) will not result in secondary or cumulative impacts.

Representative of Approving Agency

The representative for the LUC, as the approving agency for the Proposed Action, is Scott A.K. Derrickson, AICP. Mr. Derrickson is a Staff Planner for the LUC. Mr. Derrickson's contact information is as follows: scott.a.derrickson@hawaii.gov; 808-587-3921; P.O. Box 2359, Honolulu, Hawai'i, 96804-2359.

Sincerely, 
FOR

DANIEL E. ORODENKER
Executive Officer

Enclosures

cc: Derek Simon, Esq., Carlsmith
Mary Alice Evans, OP
Michael Yee, Hawai'i County Planning