

Environmental Impact Statement

Ocean View Recycling Point and Convenience Center

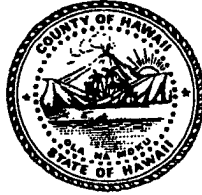
**Ka'u District, Hawai'i Island, State of Hawai'i
TMK (3rd): 9-2-150:060**

County of Hawai'i Department of Environmental Management

Appendix 2

Oguss Property Materials

Harry Kim
Mayor



Barbara Bell
Director

Nelson Ho
Deputy Director

County of Hawaii
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
25 Aupuni Street • Hilo, Hawai'i 96720-4252
(808) 961-8083 • Fax (808) 961-8086
http://co.hawaii.hi.us/directory/dir_envmng.htm

April 27, 2007

Dr. Carl Oguss
P. O. Box 11430
Hilo, HI 96721

Subject: Ocean View Transfer Station Center Alternative Site
TMK 9-2-150:01

Dear Dr. Oguss,

Thank you for meeting with Environmental Consultant Ron Terry and me on April 20, 2007, to discuss the possibility of donating some of your property to the County for use as a transfer station and recycling center. As you know, the County has been researching alternative sites for some time.

After meeting with you and getting further information about your property (specifically TMKs 9-2-150: 1, 2, 9 and 10), we now realize that one of the reasons these particular properties did not surface on earlier short lists was the lack of any road infrastructure from Highway 11. The unique situation of having land donated would allow us to expend some of the money planned for land acquisition towards road construction which means that use of this property may be practical.

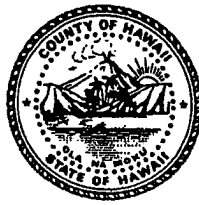
After analysis by our environmental consultant of the various properties that make up your holdings, it appears that the most suitable property is TMK 9-2-150:01. This property has highway frontage, appears to be designated in the General Plan for Urban Expansion and has minimal adjacent property activity. No record of homes or building permits for adjacent properties other than one commercial structure is on the County Real Property Tax database. Our interest is in the whole parcel, or if that is not possible, the upper nine acres of the parcel.

For the County to expend resources towards the investigation of the properties that would be added to the Environmental Impact Statement (EIS) now underway, we need a signed limited right-of-entry (LROE) permit to conduct site suitability studies on the TMK 9-2-150:01 parcel. We have attached a LROE form that we have used with other landowners during this process.

Hawai'i County is an equal opportunity provider and employer.

3-7-07

Harry Kim
Mayor



Barbara Bell
Director

Nelson Ho
Deputy Director

County of Hawaii
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
25 Aupuni Street, Room 210 • Hilo, Hawai'i 96720-4252
(808) 961-8083 • Fax (808) 961-8086
email: cohdem@co.hawaii.hi.us

LIMITED RIGHT-OF-ENTRY PERMIT

Carl Oguss, the legal owner of TMK 9-2-150:001, grant a right-of-entry to the Hawai'i County Department of Environmental Management, whose mailing address is 25 Aupuni Street, Hilo, Hawaii 96720, phone (808) 961-8083, fax (808) 961-8086, and any subconsultants or subcontractors acting on its behalf as part of the South Kona/Ocean View Solid Waste Transfer Station project, as Permittee to engage in the following activity:

To conduct site suitability and environmental studies.

Date(s): April 28, 2007 through July 31, 2007
Time(s): Sunrise to Sunset (reasonable daylight hours)
Location(s): South Kona, Hawai'i
TMK(s): 9-2-150:001
Fee: Gratis
Special Conditions: This permit is non-transferable.

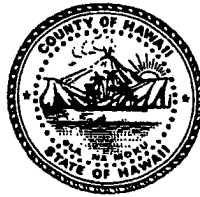
The permission granted shall not extend to any other organization or person, and only provides a limited right-of-entry license for the stated activity pursuant to the terms and conditions stated above.

APPROVED

By: _____
Carl Oguss or authorized representative
Of property owners

Date: _____

Harry Kim
Mayor



Bobby Jean Leithead-Todd
Director

Nelson Ho
Deputy Director

County of Hawaii

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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May 16, 2007

Dr. Carl Oguss
P. O. Box 11430
Hilo, HI 96721

Subject: Ocean View Transfer Station Center Alternative Site TMK 9-2-150:01

Dear Dr. Oguss,

Thank you for returning the Limited Right of Entry and the basic understandings documents on May 3, 2007. In them you made a counter offer of TMK parcels 9-2-150:003 or :008 of your Ka'u holdings to the County of Hawai'i for consideration and use as a transfer station and recycling center.

The department has since acquired an estimate on road infrastructure costs. As I said in a subsequent phone call to you, the rough calculation for building 3,100 feet to either parcel is about \$1.9 million. While your donation of up to 21 acres would offset the County's purchase of 9 acres of site 150-60 or another nearby parcel (worth \$300,000 for discussion purposes), the estimated road building costs for parcels adjacent to Highway 11 would be closer to \$150,000.

The department has also been reviewing your suggestion of using the private roadways of the adjacent Hawaiian Ranchos Subdivision as access to your two parcels. This brings up the added burden, of either you or the County, of gaining legal permission and making the roads public (to allow the public going to the transfer station legal access). It may not be that easy to get the subdivision landowners' permission to increase the traffic on their roads. There is also the cost of maintaining more than 3,100 feet of roadway. Most people are not aware that improving a substandard road often means digging up the existing asphalt and laying a new road bed foundation under it. That could be almost as expensive as starting from the bare lava of your parcels.

2200 A

The department continues to believe that the most suitable property to compare with site 150-60 in the draft environmental impact statement process is TMK 9-2-150:01. Is it possible for you to reconsider and offer a donation of 9 acres of that parcel? As an alternative, are there any other cost sharing ideas that you can offer that would bring down the infrastructure costs to a reasonable figure?

We thank you for your generous offer and certainly understand if you wish to stand firm on your counterproposal. We would appreciate your response in writing by May 25, 2007. If you have any questions, please do not hesitate to contact me at 961-8083.



Nelson Ho
DEPUTY DIRECTOR

cc: Harry Kim, Mayor
Bobby Jean Leithead-Todd, Director
Ron Terry, PhD, Geometrician Associates, LLC

Original Message-----

From: Coguss3@cs.com [mailto:Coguss3@cs.com]

Sent: Friday, May 25, 2007 12:11 PM

To: Ho, Nelson

Subject: (no subject)

May 25th, 2007

Aloha Deputy Director Ho,

I have met with the members of the Ocean View Development Corp., the Ocean View Chamber of Commerce, and the Ocean View Community Association, and after careful discussion have concluded that a transfer station is not the best use of 9 acres of lot #150-001.

They understand that the cost of a road in might make lots #150-003 or 008 unacceptable to the City Council, but think that they should consider it and the assistance this road would give to the community's immediate development should be given significant weight, especially since we get so little for our tax dollars down in Ocean View (i.e., the feeling is that they owe us something for our money and we have serious needs) and I am willing to donate land to services and nonprofits to help them then get established, but do not have money for a privately built road at this time. The County is, by contrast, flush with funds from RE taxes and transactions. It's a good time for them to invest in the future of what will be their third largest community.

The conclusion is consistent with our first meeting when I said I'd donate land in a part of my subdivision that did not interfere with our other predictable development needs and we discussed lots a few blocks from the highway having the added advantage of not having current neighbors (who might complain).

I considered selling you 9 acres in #150-001 and using the money to start development, but still feel that the best use of highway frontage property is for things people need daily or are needed by passing tourists. A transfer station is much needed, but it need not be right on the highway in the center of town, and almost never are anywhere in the world.

So, my offer stands as previously stated. Unfortunately, I am "cash poor" and not in a position to help the County offset the cost of needed infrastructure more than I am already doing by gifting the value of the land itself.

Mahalo,

Dr. Carl F. Oguss

May 25, 2007

Aloha Dr. Oguss,

Thank you for your generous donation offer of lots #150-003 or 008. At this point, we will discuss and evaluate this offer in the Ocean View Transfer Station draft EIS, albeit on a less intensive level. They are less desirable to the department because of the extra road development costs and greater number of adjacent small parcels of land.

I did a site inspection of your two parcels along the highway. They are beautifully forested with native trees. We certainly understand that you wish to remain firm on your counterproposal. We appreciate that you responded today so we could continue with our draft EIS process.

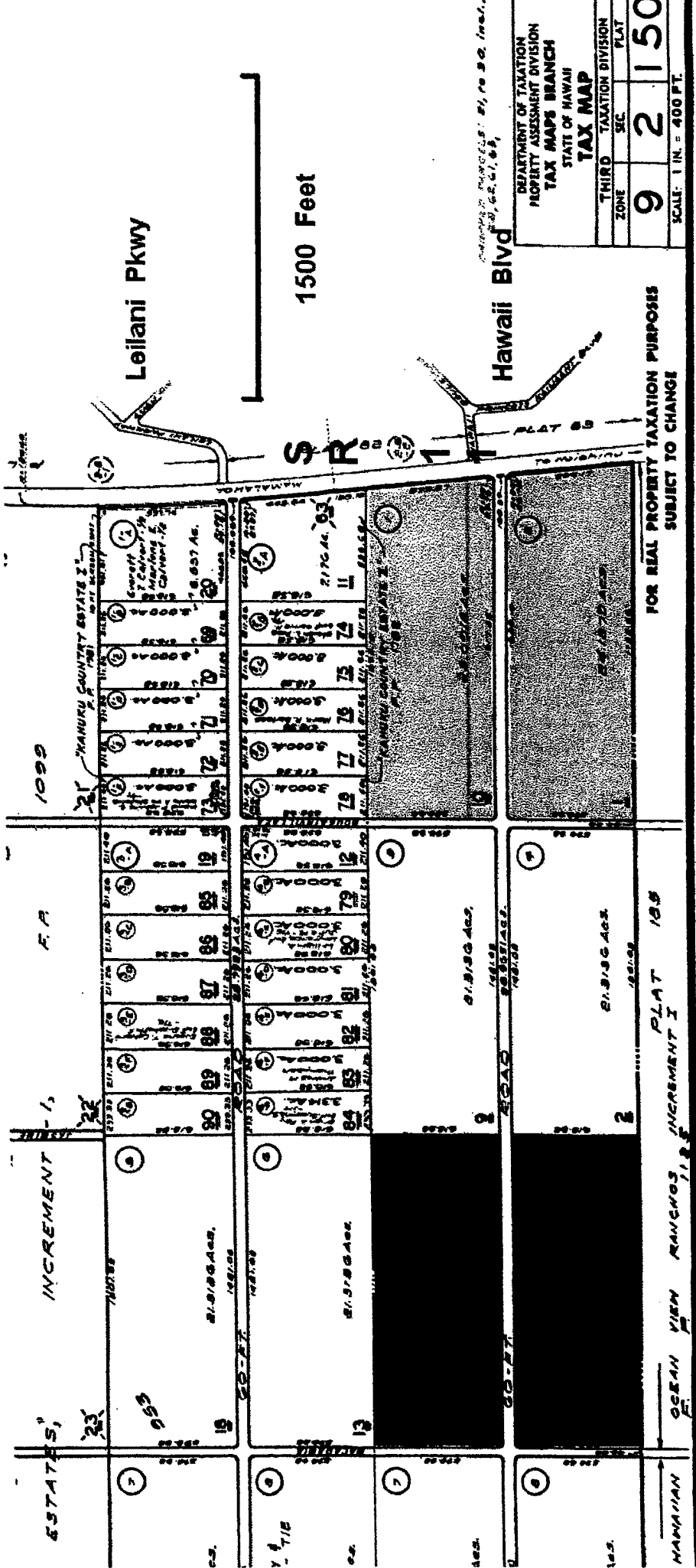
Mahalo for your efforts to build a better community,

Nelson Ho

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Nelson Ho, Deputy Director
County of Hawai'i
Department of Environmental Management

New Address: Puainako Town Center
2100 Kanoelehua Avenue
Hilo, Hawai'i 96720

Phone: 808.961.8083 Fax: 808.981.2092
Email Address: nho@co.hawaii.hi.us <<mailto:nho@co.hawaii.hi.us>>
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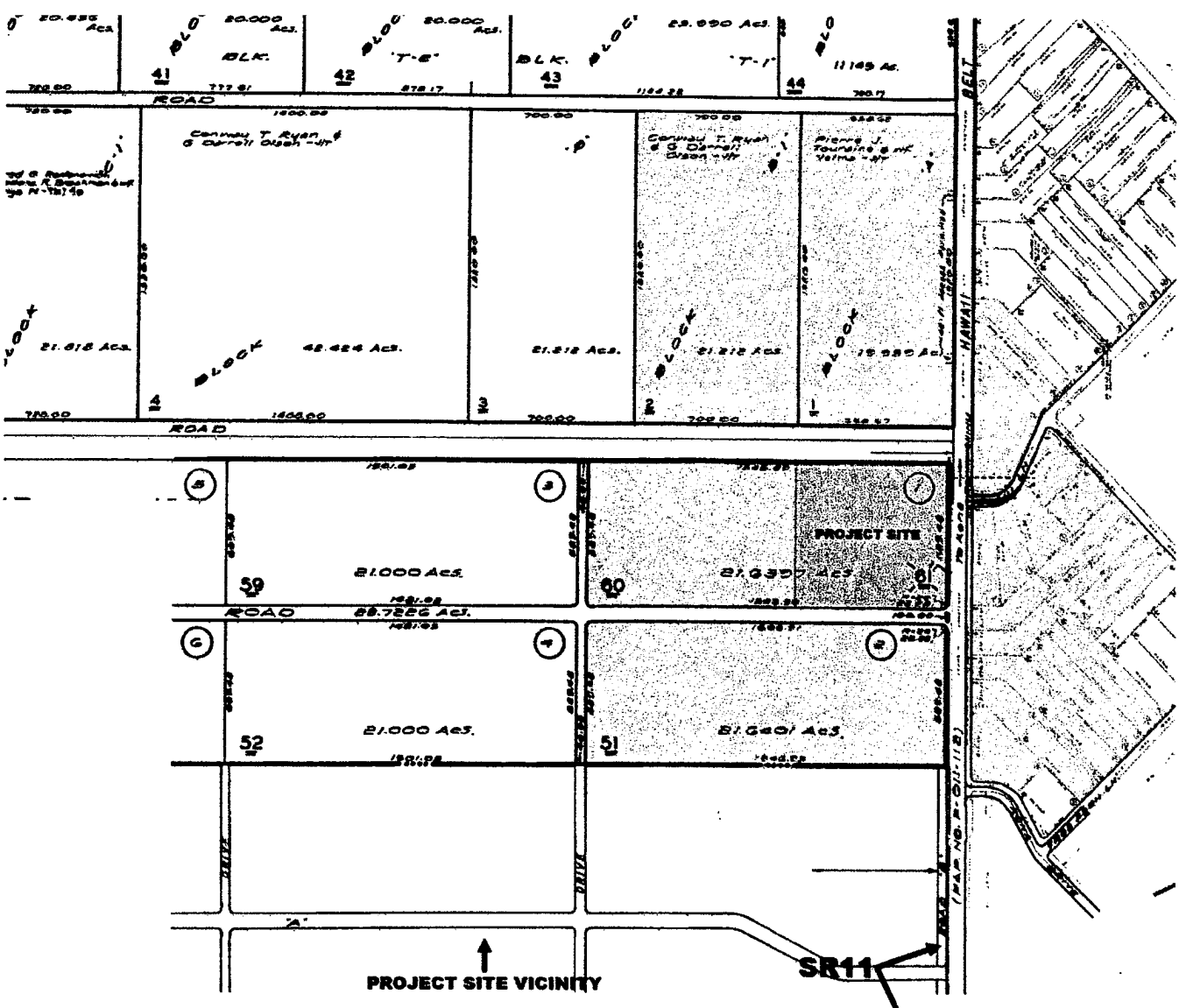
Properties Offered by Dr. Oguss

Oguss Properties of Interest to County

Engineer's Preliminary Detail Estimate

Source: Hawaii County DPW. Estimate done without topo map or detailed construction plan.

ITEM NO.	CONTRACT ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
	Roadway Excavation including Embankment	11,500	C.Y.	\$30.00	\$ 345,000.00
	Installation, Maintenance, Monitoring, and Removal of BMP	L.S.	L.S.	L.S.	\$ 40,000.00
	Aggregate Base	2,000	C.Y.	\$75.00	\$ 150,000.00
	Aggregate Subbase	1,200	C.Y.	\$75.00	\$ 90,000.00
	Drywells	12	Ea	\$30,000.00	\$ 360,000.00
	HMA Pavement, Mix No. IV	1,900	Tons	\$250.00	\$ 475,000.00
	Single 4-Inch Pavement Striping (Thermoplastic Extrusion)	6,200	L.F.	\$3.00	\$ 18,600.00
	Double 4-Inch Pavement Striping (Thermoplastic Extrusion)	3,100	L.F.	\$4.50	\$ 13,950.00
	Mobilization (Not to exceed 10 percent of the sum of all items excluding bid price of this item and force account items)		L.S.	L.S.	\$ 100,000.00
	Subtotal - Contract Items				\$1,592,550.00
	Contingencies (5%)				\$79,627.00
	Subtotal				\$1,672,177.00
	Construction Engineering (15%)				\$250,826.00
	Total				\$1,923,003.00



OGUSS PROPERTIES VICINITY

