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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

REF: OCCL: TF

CDUA: HA-3863

APR 21 2020

To: Interim Director
Office of Environmental Quality Control

From: Suzanne D. Case, Chairperson *Suzanne D. Case*
Department of Land and Natural Resources

Subject: Publication of the Final Environmental Assessment (FEA) for Conservation District Use Application (CDUA) HA-3863 for the Gregg Single Family Residence (SFR), Landscaping and Related Improvements located at Ho'okena Beach Road, Ho'okena, South Kona, Hawaii'i
Tax Map Key (TMK): (3) 8-6-013:009

The applicant Frederick W. Gregg Jr. is proposing to construct a two-story approximately 3,234 square foot single-family residence, landscaping, and related improvements on his 0.429-acre property in the State Conservation District, General Subzone. The residence will be situated in the center of the parcel and set back substantially from all property lines. Grading for the house pad will be minimal. The design and scale of the home is modest and consistent with other homes in the surrounding area as well as the Single Family Residential Standards in Exhibit 4 of Hawaii'i Administrative Rules (HAR) §13-5.

The Department of Land and Natural Resources has reviewed the FEA for CDUA HA-3863 and has determined a Finding of No Significant Impact (FONSI) determination based on the information provided. In accordance with HAR §11-200.1-13, the reasons supporting the anticipated FONSI determination are as follows:

1. The project would not irrevocably commit a natural, cultural, or historic resource. The parcel has previously been graded as the site had been traditionally and historically used for habitation in the past. There are no structures or native plant communities present on the parcel.
2. The project would not curtail the range of beneficial uses of the environment. The applicant and project will not inhibit or restrict the use of the Hookena Beach Park by the residential use of the parcel that was once utilized for habitation.

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3. The applicant is committed to developing the property in a manner that preserves and protects natural and cultural resources. The project aims to minimize environmental impacts while implementing some landscaping improvements that will generally support the broad goals of the State's long-term environmental policies to conserve natural resources and enhance the quality of life.
4. The project would not result in substantial adverse impacts to the economic welfare, social welfare, or cultural practices of the community and State.
5. The project would not substantially affect public health and safety.
6. The small scale of the proposed project would not produce any major secondary impacts such as population changes or effects on public facilities.
7. The project is small in scale and the project site is primarily unvegetated.
8. The applicant has owned the property for nearly thirty (30) years and now intends to build a home to spend his retirement years in. There are anticipated small disturbances associated with the construction of a single-family home such as traffic, air quality, noise, and visual quality, but the area is fairly isolated. No special mitigation measures are anticipated but the applicant will implement a number of Best Management Practices to limit or mitigate some of the anticipated small disturbances associated with the construction of a single-family home. No larger actions are planned or anticipated that could have adverse affects upon the environment.
9. The project site has previously been graded. There are no endangered or candidate plant species on the project site. The Hawaiian Hawk, Hawaiian Hoary Bat, and Hawaiian Petrel have been previously observed in the general area but not on the parcel which offers no habitat to these species. The applicant has agreed to implement mitigation measures in the form of timing of vegetation removal to reduce any potential impacts to Hawaiian Hawks and Hoary Bats.
10. No substantial effects to air, water, or ambient noises are anticipated and Best Management Practices for erosion and sedimentation will be implemented during any proposed grading as well as during the construction of the single-family residence. Additionally, any anticipated disturbances caused by construction activities will be temporary.
11. The project does not affect nor would it likely be damaged as a result of being located in an environmentally sensitive area such as a tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area. No development associated with the single-family residence would be located within a flood zone. According to the Hawai'i Sea Level Rise Viewer, the property is not located within the Sea Level Rise Exposure Area. All improvements will conform to appropriate regulations guiding development within hazardous zones.
12. No substantial adverse effects to scenic vistas and view planes are anticipated.

13. The single-family residence will be powered by a rooftop photovoltaic system and occupied by a retiree, the landowner, who will not require substantial energy consumption.

The Draft Environmental Assessment (DEA) was published in the Office of Environmental Quality Control's (OEQC) February 8th, 2020 edition of *The Environmental Notice*. Comments on the DEA were sought from relevant agencies as well as the public and were included in the FEA. The FEA has been prepared pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200.1, Hawaii Administrative Rules. Please publish notice of this FEA-FONSI in the May 8th, 2020 edition of *The Environmental Notice*.

Please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands staff at 798-6660 or trevor.j.fitzpatrick@hawaii.gov should you have any questions.

From: webmaster@hawaii.gov
To: [HI Office of Environmental Quality Control](#)
Subject: New online submission for The Environmental Notice
Date: Wednesday, April 22, 2020 1:29:04 PM

Action Name

Gregg Single-Family Residence

Type of Document/Determination

Final environmental assessment and finding of no significant impact (FEA-FONSI)

HRS §343-5(a) Trigger(s)

- (2) Propose any use within any land classified as a conservation district

Judicial district

South Kona, Hawai'i

Tax Map Key(s) (TMK(s))

(3) 8-6-013:009

Action type

Applicant

Other required permits and approvals

Conservation District Use Permit, SMA Exemption, County Building Permits, Wastewater System Approval

Discretionary consent required

Use of Land in Conservation District (SMA exemption received 01/28/2019)

Approving agency

Department of Land and Natural Resources, Office of Conservation and Coastal Lands

Agency contact name

Samuel J. Lemmo

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(808) 798-6660

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P. O. Box 621
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United States
[Map It](#)

Applicant

Frederick W. Gregg, Jr.

Applicant contact name

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Kailua-Kona, HI 96740
United States
[Map It](#)

Was this submittal prepared by a consultant?

No

Action summary

Mr. Gregg applies to build a 2-story, 1-bedroom retirement home for himself with a footprint of 2,016 sq. ft.; decks, lanais and living area will be 3,234 sq. ft. with rooftop solar and photovoltaic equipment for electrical power, and an individual wastewater system. He has owned the property for almost 30 yrs. The property is located approx. 500 ft. from the shoreline and is accessed by Ho`okena Beach Rd. The home will be set back from all property lines, roughly in the center of the lot, with a gravel driveway and some landscaping, including fruit trees. Limited grading/leveling will be required for the building pad. An AIS concluded that the property is a historic era residence, assessed as significant; the information was documented for importance of understanding historic habitation of the Ho`okena Village area; no preservation was recommended and no burial sites were reported. Environmental impacts will be minimal to resume the historic use of the property.

Reasons supporting determination

1. The project would not irrevocably commit a natural, cultural, or historic resource. The parcel has previously been graded as the site had been traditionally and historically used for habitation in the past. There are no structures or native plant communities present on the parcel.
2. The project would not curtail the range of beneficial uses of the environment. The applicant and project will not inhibit or restrict the use of the Hookena Beach Park by the residential use of the parcel that was once utilized for habitation.
3. The applicant is committed to developing the property in a manner that preserves and protects natural and cultural resources. The project aims to minimize environmental impacts while implementing some landscaping improvements that will generally support the broad goals of the State's long-term environmental policies to conserve natural resources and enhance the quality of life.
4. The project would not result in substantial adverse impacts to the economic welfare, social welfare, or cultural practices of the community and State.
5. The project would not substantially affect public health and safety.

6. The small scale of the proposed project would not produce any major secondary impacts such as population changes or effects on public facilities.

7. The project is small in scale and the project site is primarily unvegetated.

8. The applicant has owned the property for nearly thirty (30) years and now intends to build a home to spend his retirement years in. There are anticipated small disturbances associated with the construction of a single-family home such as traffic, air quality, noise, and visual quality, but the area is fairly isolated. No special mitigation measures are anticipated but the applicant will implement a number of Best Management Practices to limit or mitigate some of the anticipated small disturbances associated with the construction of a single-family home. No larger actions are planned or anticipated that could have adverse affects upon the environment.

9. The project site has previously been graded. There are no endangered or candidate plant species on the project site. The Hawaiian Hawk, Hawaiian Hoary Bat, and Hawaiian Petrel have been previously observed in the general area but not on the parcel which offers no habitat to these species. The applicant has agreed to implement mitigation measures in the form of timing of vegetation removal to reduce any potential impacts to Hawaiian Hawks and Hoary Bats.

10. No substantial effects to air, water, or ambient noises are anticipated and Best Management Practices for erosion and sedimentation will be implemented during any proposed grading as well as during the construction of the single-family residence. Additionally, any anticipated disturbances caused by construction activities will be temporary.

11. The project does not affect nor would it likely be damaged as a result of being located in an environmentally sensitive area such as a tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area. No development associated with the single-family residence would be located within a flood zone. According to the Hawai'i Sea Level Rise Viewer, the property is not located within the Sea Level Rise Exposure Area. All improvements will conform to appropriate regulations guiding development within hazardous zones.

12. No substantial adverse effects to scenic vistas and view planes are anticipated.

13. The single-family residence will be powered by a rooftop photovoltaic system and occupied by a retiree, the landowner, who will not require substantial energy consumption.

Attached documents (signed agency letter & EA/EIS)

- [2020-04-Final-EA-with-appendices.pdf](#)
- [Gregg-SFR-HA-3863-FEA-n-FONSI-2020-0420-Transmittal-Ltr-to-OEQC-part-1-signed-4.pdf](#)

Shapefile

- The location map for this Final EA is the same as the location map for the associated Draft EA.

Action location map

- [Gregg-Property.zip](#)

Authorized individual

Roy A. Vitousek III, Esq.

Authorization

- The above named authorized individual hereby certifies that he/she has the authority to make this submission.

FINAL ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR.
SINGLE-FAMILY RESIDENCE
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

April 2020

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPLICANT:

Frederick W. Gregg, Jr.
76-211A Royal Poinciana Drive
Kailua-Kona, Hawaii 96740

APPROVING AGENCY:

State of Hawai'i
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, Hawai'i 96813

CLASS OF ACTION:

Use of Land in Conservation District

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Appendix 6	Gregg Application for Conservation Subzone Boundary Amendment, DLNR Staff Minutes (8/22/2014)
Appendix 7	Gregg Application for Conservation Subzone Boundary Amendment, Testimony of Clarence A. Medeiros, Jr.
Appendix 8	Gregg Application for Conservation Subzone Boundary Amendment, Testimony of Charles Young
Appendix 9	County of Hawaii Planning Director's January 28, 2018 [sic] Determination of SMA Exemption
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I. PROJECT DESCRIPTION

A. Background

Applicant Frederick W. Gregg, Jr. (“Applicant”) proposes to construct a simple one-bedroom, single-family home on a .429-acre parcel, designated as TMK (3) 8-6-013: 009 (the “Property”) (the “Project”). Applicant has owned and cared for the Property for more than 25 years and he now hopes to build his retirement home on the Property. The Property is vacant and is not an oceanfront property, being located approximately 500 feet inland. The proposed improvements will allow the Applicant full use of the Ho‘okena area and enjoyment of the Property for his retirement years.

The proposed home will have two stories and occupy a building footprint of 2,016 square feet. Including the deck and lanai areas, the total living area of the residence will amount to 3,234 square feet. The first floor of the home is planned to encompass a laundry room, bathroom, stairs, and storage area. The second floor will include the kitchen, living room, bedroom, a second bathroom and a walk-in closet, as well as lanai and deck areas. Construction of the home will include rooftop solar with photovoltaic equipment and batteries located entirely within the footprint of the planned home in the storage area on the ground floor. The residence will be situated roughly in the center of the lot and will be set back substantially from all property lines. The design and scale of the home are modest and consistent with other homes in the surrounding area. Minimal or no grading of the Property is required for construction of the home.

The Ho‘okena village is served by public telephone services via overhead transmission lines, however Applicant plans to use cellular telephone service instead of a land-line phone. As stated above, Applicant will install a rooftop solar and photovoltaic system to provide electrical power to the home. The Property is not served by any existing public or private wastewater system. Accordingly, the construction of an individual wastewater treatment system (“IWS”) will be necessary to process wastewater from the residence. The Property will be served by a private water source which also serves several other nearby homes and the County of Hawaii’s Ho‘okena Beach Park (“Beach Park”). There will be no need for nor is Applicant planning installation of a water tank or other water storage.

Ho‘okena was historically the site of an ancient Hawaiian fishing village. Ho‘okena Beach and Kauhako Bay served as a major landing area in the late 1800s for interisland steamers and shipment traffic but declined by the mid-1930s. An Archaeological Inventory Survey for the Property concluded that the entire project area is a historic era residence, has been assessed as significant, and yielded information important for understanding historic habitation of the area which was adequately documented, although no further work or preservation was recommended.

Access to the Property is provided by the paved Ho‘okena Beach Road, which is also used by the public for access to the Beach Park.

As stated above, Applicant has owned the Property for 25 years and has developed personal relationships with many long-term Ho‘okena residents. Several residents submitted written testimony and testified at the public hearing held on April 22, 2014, in favor of Applicant’s petition for redesignation of the Conservation District subzone relative to the Property (from the Limited to the General subzone) and his intention to build a home on the Property.

Environmental impacts to the Ho‘okena area and the environment will be minimal as Applicant’s use of the Property will be the same as the historic use of the Property; there will be minimal ground disturbance; the proposed home is low-key, landscaping will be added where necessary to shield it from public view; best management practices will be used during construction to minimize impacts from noise, dust, and runoff/sedimentation; and Applicant will adhere to the Department of Land and Natural Resources’ State Historic Preservation Division (“SHPD”) requirements if inadvertent finds are made during construction of the IWS or any other ground-disturbing activity.

B. Project Description and Location

The Property is a .429-acre parcel, designated as TMK (3) 8-6-013: 009, in South Kona, Hawaii, located along Ho‘okena Beach Road in the historic Ho‘okena Village (see TMK Map, **Appendix 1**). The Property is vacant, without structures, and is bounded to the south by a residential property and vacant land. It abuts Beach Road to the north and east and is bordered by undeveloped land to the west. A rock wall ranging from 1.5 feet to 4 feet in height delineates the boundary of the Property from the surrounding parcels. Similar rock walls appear to border much of several nearby properties. See site photographs at Appendix 11. The Property has been graded in the past and it is unclear whether its rock wall predated the earth work, whether the wall was modified or restacked at the time of grading, or whether the wall was constructed after the grading. **This is not an oceanfront property.** The Property is located on a gently sloping plain approximately 500 feet from the Pacific Ocean and the Beach Park.



Figure 1: Project Location Map

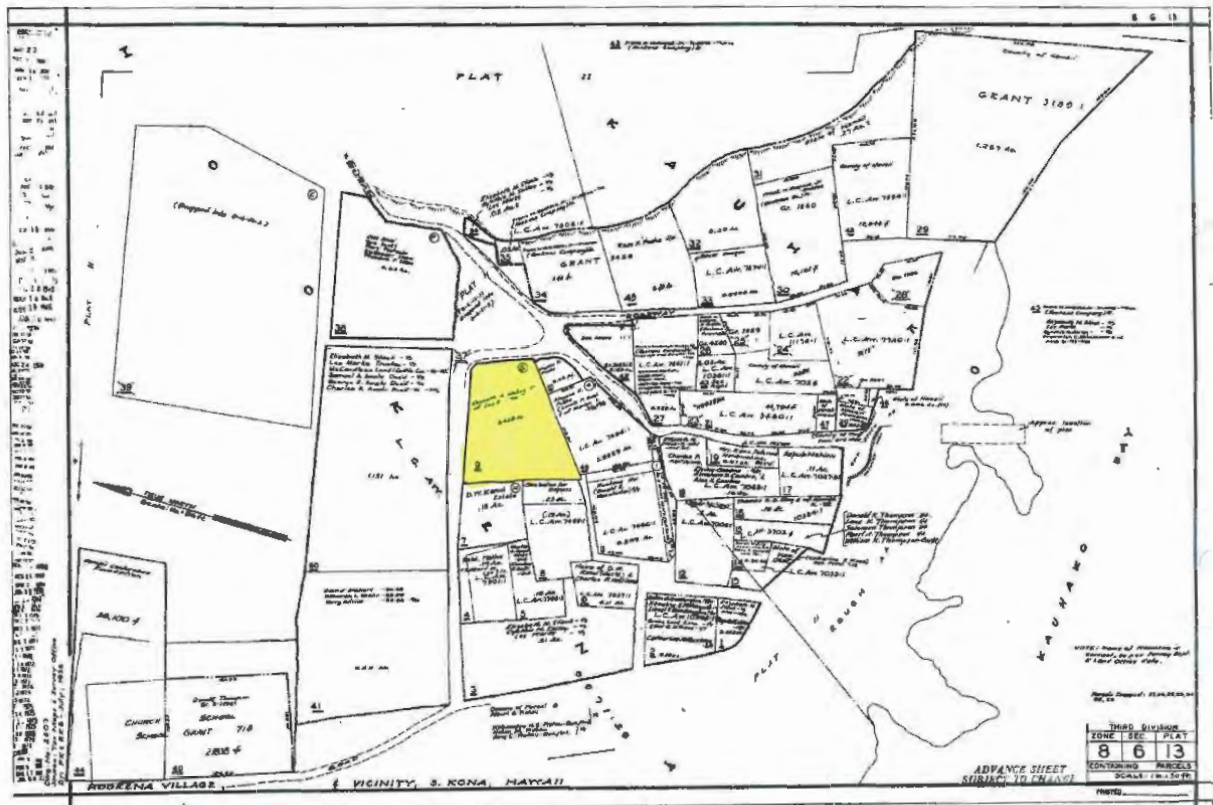


Figure 2: Project Site TMK Map

The Applicant proposes to construct a simple one-bedroom, single-family home on the Property (see Site Plan, Floor Plan, Elevations, and Landscape Plan, **Appendix 2**). He has owned the Property since 1994 and now desires to build a home there as a place to spend his

retirement years. The proposed improvements will allow the Applicant full use and enjoyment of the area.

The proposed home will have two stories and occupy a building footprint of 2,016 square feet. Including the deck and lanai areas, the total living area of the residence will amount to 3,234 square feet. The first floor of the home is planned to encompass a laundry room, bathroom, stairs, and a storage area including photovoltaic equipment and battery storage (see representative battery storage options as shown in **Appendix 14**). The second floor will host the kitchen, living room, bedroom, a second bathroom and a walk-in closet, as well as lanai and deck areas. The roof will be the site of solar and photovoltaic equipment to supplement power for the home. The residence will be situated roughly in the center of the lot and will be set back substantially from all property lines. The driveway will be located on the mauka side of the lot and the proposed will not be paved, however permeable basaltic gravel may be added to smooth the surface.

The design and scale of the home are modest and consistent with other homes in the surrounding area. The roof of the proposed residence will be constructed of 26-gauge pre-painted corrugated metal over tongue and groove decking. At its highest point, the roof will reach an elevation of 25 feet, with eaves extending four feet from the sides of the building. The foundation will consist of a 2500 PSI plant mix concrete floor slab four inches thick over existing soil; if additional soil is required, it will be imported from a local quarry which usually has no termites. Preconstruction subterranean termite treatment will be provided by a local licensed pest control company. Grading for the house pad will be minimal: only to balance the cut and fill materials under the pad itself. Best management practices during any grading are described below.

The Property is not served by any existing public or private wastewater system. Accordingly, the construction of an “IWS” will be necessary to process wastewater from the residence. Applicant proposes the installation of one 1,000-gallon septic tank located towards the southwestern portion of the Property and a twelve-by-twelve foot absorption bed. The septic system will be the system described in Appendix 13 to the Draft EA and Exhibit C to the CDUA. The property is at 24-35 feet in elevation. The septic tank and lines will be underground and will meet appropriate Department of Health criteria and approvals. Any cultural remains discovered in the excavation process for the IWS, the appropriate process under HRS ch. 6E and related regulations will be followed.

The June 2012 Ho‘okena Beach Park Pavilion Final EA (“Park Pavilion FEA”) (see Final Environmental Assessment Ho‘okena Beach Park Pavilion (2012), available at http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2012-08-08-HA-FEA-Hookena-Beach-Park-Pavillion.pdf), and Applicant’s November 2018 Draft Archaeological Inventory Survey prepared by Dr. Alan E. Haun, Haun & Associates (“DAIS”) (**Appendix 3**), establish that the Ho‘okena Village was a populated community in the Nineteenth Century which supported an interisland

steamer landing into the Twentieth Century. It is logical that from its earliest history the whole village practiced traditional subsistence fishing methods and, given the context of the historical commercial ventures of the village, it is believed that resumption of the use of the Property for a single-family residence would create no more of a cumulative impact on traditional fishing methods than did the historical use of the Property or does the area's existing approximate dozen residences and the visitors to the Ho'okena Beach Park.

Applicant is a long-time resident of Kona and has developed personal relationships with many Ho'okena residents as evidenced by the number of persons who appeared at the April 22, 2014, public hearing to testify in favor of his petition for a change in subzone. Applicant has owned the Property for 25 years and has a heightened awareness of the particularly sensitive environment of Ho'okena Village. His planned retirement home is harmonious with the character of the Ho'okena community and will not interfere with the practice of traditional subsistence fishing in the area; will not create a need for traffic or road improvements; will not adversely affect view planes from the Beach Park, the ocean, or the mauka highway; and the impact of artificial lighting will be mitigated by the fact that there will be limited lighting due to use of photovoltaic power and exterior lighting, if any, will be shielded and downward facing outdoor lighting fixtures.

The DAIS found no burials; however, if during the construction inadvertent finds are made, Applicant will adhere to proper protocols. The DAIS also determined that the Property is, itself, a historical site having been a historic area residence. Applicant wishes to continue that use of the Property in this evolved but once bustling residential and commercial area.

Applicant's proposed residence will possess a total living area of 3,234 square feet and Applicant will not be constructing any additional units and therefore there are no planned successive actions in the same place, over time.



Figure 3a: Aerial View in Relation to County Beach Park Parcels



Figure 3b: Photo of House Site



Figure 3c: Photo of View Towards Ocean



Figure 3d: Photo of View Towards Beach Park

C. The Department's Record on the Property

1. The Conservation Subzone Amendment Application

Applicant began the approval process for the Project by filing an Application for Conservation Subzone Boundary Amendment (the "CSBA Application" or "CSBA") on June 20, 2013, to change the conservation subzone from the Limited Subzone to the General Subzone. The application clearly stated the desired purpose of building a single-family residence on the Property.

April 22, 2014, Public Hearing

By letter dated August 15, 2013, the Department of Land and Natural Resources ("DLNR"), Office of Conservation and Coastal Lands ("OCCL") gave notice that the Board of Land and Natural Resources ("Board") would consider the CSBA Application at its August 23, 2013, meeting. Attached to that letter was the DLNR's August 23, 2013, Staff Report and Recommendation on the CSBA Application, recommending, among other things, proceeding with the public hearing component of the amendment process. See Appendix 4. The August 23, 2013, Minutes of the Board reflect that the Board approved the CSBA Application proceeding to public hearing. The public hearing was duly published and noticed and was held on April 22, 2014.

At the public hearing, approximately 20 persons appeared in person at the West Hawaii Civic Center in support of Applicant's application and "No one present indicated any objections to the proposal." (See Appendix 5, August 22, 2014, Staff Report, at p. 5, and Appendix 6, Minutes of the August 22, 2014, Board Meeting.)

In addition to those appearing at the hearing, two persons, Charles Young and Clarence A. Medeiros, Jr., submitted written testimony in support of Applicant's application (see Appendices 7 and 8). Mr. Young pointed out that "Ho'okena village is a native Hawaiian fishing village" and that he "support[s] Mr. Gregg's application for a subzone boundary amendment and his intention to build a single family dwelling." Mr. Medeiros, as a neighboring owner, testified in support of Applicant's application that, historically, his property and the Property at Ho'okena Village included the Kauhako Landing, a general store, an inn, one or more commercial enterprises, and a road connecting the town and numerous residences with the main government road. In addition, Mr. Medeiros states, "Mr. Gregg's application to amend the subzone designation of his property is to enable him to seek approval to construct a residence which is consistent with how the property was used 131 years ago." Appendix 7 at p. 2.

As part of the Conservation District Use Application ("CDUA") for the single-family residence resubmitted contemporaneously with the Request for EA Exemption, Applicant commissioned Alan Haun, Ph.D., Haun & Associates, to perform an Archaeological Inventory Survey ("AIS"). The AIS was completed, was attached to the CDUA, and has been submitted to

the State Historic Preservation Division. The AIS found that the entire project area is a historic era residence site that has been adequately documented and that no further work or preservation is required. (See Draft AIS at p. 42, Appendix 3 hereto.)

This is consistent with Mr. Medeiros' public testimony that the proposed use, a single-family residence, is consistent with the historic use of the site. There was a residence there in the historic era and Applicant now wants to build his own residence on the same site. There is no increased impact, no cumulative impact.

Both Mr. Young and Mr. Medeiros commented on the historical and archaeological history relative to Ho'okena. Neither expressed any concern that the proposed home may impact the practice of traditional subsistent fishing methods. It is reasonable to conclude that a modest single-family residence for a long-time Hawaii resident on a site traditionally and historically used for habitation would not be a cumulative impact considering the impact of hundreds of Hawaii residents and tourists that weekly visit the Ho'okena Beach Park just south of the Property.

The August 22, 2014, DLNR Staff Report and Recommendation (Appendix 5) relative to the CSBA stated:

. . . Ho'okena is a fishing village and not an 'urban community' that is defined as having a population of over 2,500 individuals. Land uses in the area and the neighboring community of Kealia are low profile residential uses that retain the open space character of the vicinity. Leaving the property in the Limited subzone would not contribute to the rural community and preservation of the area as a fishing village.

Amending the petitioned area into the General subzone will not cause substantial adverse impact to the existing resources within the surrounding area, community or region and is appropriate given the physical conditions and capabilities of the parcel. Staff believes the designation is compatible with the locality and surrounding area of the established community. Placing the petitioned area into the General subzone is not inconsistent with the character of the immediate surroundings that are rural in nature.

Staff is of the opinion that the General subzone is an appropriate designation for the petitioned area.

The CSBA Application was approved by the Board on August 22, 2014, changing the Conservation District subzone for the Property from Limited to General. See August 22, 2014, Amendment to Chapter 13-5 Hawaii Administrative Rules ("HAR") (Subzone Amendment from Limited to General for the Property) attached as **Appendix 15**.

2. Recent Submittals to the Department

a. Draft Archaeological Inventory Survey, TMK (3) 8-6-013:009

Burials and Finds

By letter dated November 9, 2018, Dr. Alan E. Haun, Haun & Associates, submitted the DAIS for the Property to Dr. Susan Lebo, State Historic Preservation Division... See Appendix 3. The DAIS concluded that the entire project area is a historic era residence and is assessed as significant under Criterion “d.” The site (Site 31025) has yielded information important for understanding historic habitation of the area. The mapping, written description, and photographs of the Site 31025 complex adequately document it and no further work or preservation is recommended. Id. at p. 42.

Notably, the DAIS does not report any burials or other significant finds.

b. Conservation District Use Application (“CDUA”)

A CDUA was filed with the OCCL on December 28, 2018. With the transmittal of the CDUA to Mr. Lemmo was a copy of the Request for Environmental Assessment (“EA”) Exemption for the single-family residence on the Property and a copy of a letter to Michael Yee, Planning Director, County of Hawaii, requesting a determination of exemption from SMA permit. On January 28, 2019, the Planning Director issued a determination of SMA exemption (see, January 28, 2018[*sic*], letter from the Planning Director, **Appendix 9**); however the OCCL declined to find the Project exempt from the requirements of an EA now that a specific land use is being proposed. Therefore, Applicant hereby submits this Draft EA.

c. Request to SHPD for Determination Letter

Concurrent with the filing of the CDUA on December 28, 2018, a Request to Agency for Determination Letter (“Request to SHPD”) was submitted to Dr. Susan Lebo, Archaeology Branch Chief, State Historic Preservation Division. The Request to SHPD included the HRS 6E Submittal Form and all project documentation, including the DAIS. Samuel J. Lemmo, DLNR/OCCL, was copied with the HRS 6E Submittal Form. See Appendix 10 (the referenced TMK Map and Draft AIS have been omitted as duplicative (see Appendices 1 and 3, respectively)).

D. Summary

The Park Pavilion FEA and the DAIS establish that the Ho‘okena Village was a populated community in the Nineteenth Century which supported an interisland steamer landing into the Twentieth Century. It is apparent that from its earliest history the whole village practiced traditional subsistence fishing methods and the area was historically a prosperous and

thriving residential and commercial center. Therefore, it is logical that resuming use of the Property for a single-family residence would not create any more of a cumulative impact to the Village or traditional fishing methods than the historic use of the Property or the area's existing approximate dozen residences and the daily visitors to the Ho'okena Beach Park.

As a long-time resident of Kona and having owned, visited, and cared for the Property for 25 years, Applicant has established a cultural awareness of the Ho'okena area and developed personal relationships with many Ho'okena residents who support the Project and welcome his place in the community. Applicant has obtained a DAIS for the Property and respects the historical and cultural significance of the Property. Applicant will adhere to proper protocols if any burials or historical finds are made during the construction process and will abide by the conditions placed on the Project by the permitting agencies. He wishes to continue the use of the Property in this evolved but once bustling residential and commercial area. A single-family home on the Property is no more intense a use than was the historic use during the Nineteenth Century.

II. ENVIRONMENTAL ASSESSMENT PROCESS

This Environmental Assessment (EA) process is being conducted in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This law, along with its implementing regulations, HAR Title 11, Chapter 200.1, is the basis for the environmental impact assessment process in the State of Hawai'i. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Section V.A. of this document states the anticipated finding that no significant impacts are expected to occur, based on the preliminary findings for each criterion made by the consultant in consultation with the OCCL, the approving agency. If, after considering comments to the Draft EA, the approving agency concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the agency concludes that significant impacts are expected to occur as a result of the proposed action, then an Environmental Impact Statement (EIS) will be prepared. It should be noted that HAR § 11-200.1-15(c)(3)(A) lists "Single-family residences less than 3,500 square feet . . . if not in conjunction with the building of more such units" as being "Exempt Classes of Action."

A. Identification of Agencies, Citizen Groups, and Individuals Consulted in Making the Assessment

1. Consulted Agencies

County:

Planning Department
County Council

Department of Public Works
Fire Department
Police Department
Parks and Recreation Division

State:

Department of Health
DLNR, Office of the Chairman
DLNR, Office of Conservation and Coastal Lands
DLNR, State Historic Preservation Division
Department of Transportation, Highways Division, Hawai'i Island
Office of Hawaiian Affairs

2. Consulted Citizen Groups

Kupa Friends of the Ho'okena Beach Park
Pukaana Congregational Church
Hawaii Conference Foundation

3. Consulted Individuals and Neighbors

Clarence A. Medeiros, Jr.
Charles Young
McCandless Land & Cattle Co.

B. Written Comments and Responses to the Comments Under the Early Consultation Provisions of HAR §§ 11-200.1-18 and 11-200.1-20 and Statutorily Prescribed Public Review Periods

Copies of communications received during early consultation are contained in **Appendix 16**.

Notice of the availability of the Draft EA was published in the February 8, 2020, OEQC Environmental Notice. The publication notice, written comments on the Draft EA, and the responses to these comments are also found at Appendix 16. This EA has been modified to reflect input received in the comment letters; additional or modified non-procedural text is denoted by double underlines, as in this paragraph.

III. ALTERNATIVES

A. Proposed Project

The proposed Project is described in Section I.B. above and its locations and features illustrated in Figures 1 through 3.

B. No Action

Under the No Action Alternative, the residence would not be built. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the Project. No other alternative uses for the Property are desired by Applicant and, thus, none are addressed in this EA.

IV. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

The Property, which is presently vacant and used occasionally for camping by the Applicant, is bounded to the north (makai) and east by Ho`okena Beach Road, to the south (makai) by a small vacant parcel (Parcel 10) and a lot with a residence (Parcel 49), and to the west by two vacant parcels (Parcels 7 and 8). (See, Figure 2, TMK Map (Appendix 1), and aerial photograph, Figure 3a.; see also, photos at Appendix 11.) The Property is located on a gently sloping plain, characterized by slopes of less than ten percent. The highest elevation of the Property is approximately 35 feet on the mauka-most portion to approximately 24 feet on the most makai portion. It is approximately 500 feet from the Pacific Ocean and the Beach Park. The surface of the Property is porous and is primarily covered with lava rock rubble of varying size and little vegetative cover.



Figure 4: Slope Analysis

The August 22, 2014, Staff Report and Recommendation (Appendix. 5) relative to the CSBA succinctly summarized the environment of the Property:

Staff visited the site last summer (2013) and noted that the lot was vacant surrounded by rock walls on all four sides with large trees and leave [sic] detritus on the parcel. Staff did not note any pooling of water, soil erosion, or erosion damage. The petitioned area does not appear to be susceptible to volcanic activities or landslides. Portions of the property that were previously disturbed during the settlement of the village were level then and continue to be level now and clearly do not have steep slopes.

...

The petitioned area borders Agricultural designated land. There are no natural environmental constraints such as erosion, flooding or steep slopes on the property that would limit uses. . . .

Amending the petitioned area into the General subzone will not cause substantial adverse impact to the existing resources within the surrounding area, community or region and is appropriate given the physical conditions and capabilities of the parcel. Staff believes the designation is compatible with the locality and surrounding area of the established community. Placing the petitioned area into the General subzone is not inconsistent with the character of the immediate surroundings that are rural in nature.

Id. at pp. 5 and 7.

A. Physical Environment

1. Geology, Soils, and Geologic Hazards

The South Kona District is located on the basalts and olivine basalts of the present Mauna Loa shield, known as the Ka`u Volcanic Series. G.A. Macdonald, et al., *Volcanoes in the Sea: The Geology of Hawaii* (1970). The Property's surface soils are comprised primarily of eroded Pahoehoe flows. See Soil Survey Staff, National Resources Conservation Service, United States Department of Agriculture, Map Unit Description: Lava flows-Punaluu complex, 2 to 20 percent slopes-Island of Hawaii Area, Hawaii, available at <http://websoilsurvey.nrcs.usda.gov/>. Pahoehoe lava flows typically exhibit billowy glassy surfaces and occur at elevations extending between sea level and 13,000 feet in elevation. Id.

Environmental Setting

The Project site is located on the flank of Mauna Loa, an active volcano, in the District of South Kona, ahupua'a of Ho'okena. The Project site is underlain by lava flow from Mauna Loa of the Ka'u Basalt series of age 1,500 to 3,000 years. Soil in the area is classified as

Rough broken land (RB), a miscellaneous land type with very steep slopes (35 to 70 percent). The soil material is highly variable in depth, with outcrops common. This soil type is usually used for pasture, woodland, wildlife habitat, and recreation areas (U.S. Soil Conservation Service 1973). This area receives an average of about 40 to 50 inches of rain annually, with a mean annual temperature of approximately 80 degrees Fahrenheit (UH Hilo-Geography 1998:57).

According to the Hawaii Statewide GIS Program, the Property does not include any land classified as Agricultural Lands of Importance to the State of Hawaii (ALISH) and, as such, there is no Land Evaluation and Site Assessment (LESA) for the Property.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the U.S. Geological Survey in this area of South Kona is 2 on a scale of ascending risk 9 to 1 (Heliker 1990:23). The high hazard risk is based on the fact that Mauna Loa is presently an active volcano. Volcanic hazard Zone 2 areas have had 15-25% of land area covered by lava or ash flows since the year 1800, and are at lower risk than Zone 1 areas because they are not directly themselves active zones, but are found adjacent to and downslope of active rift zones. Although the Zone 2 designation is one step away from being the area of highest exposure in terms of lava flows, this risk is not unique to the Property and is common to most residential areas in South Kona.

In terms of seismic risk, the entire Island of Hawai'i is rated Zone 4 Seismic Hazard. Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built. The Project site does not appear to be subject to subsidence, land slides, or other forms of mass wasting.

Impacts and Mitigation Measures

In general, geologic conditions impose no constraints on the proposed action as much of Hawai'i Island faces similar volcanic hazard, and the residence is not imprudent to construct.

2. Flood Zones, Coastal Waters, Hydrology (Surface Water, Groundwater, & Wetlands)

Environmental Setting

Floodplain status for many areas of the island of Hawai'i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program's Flood Insurance Rate Maps (FIRM) (Fig. 5). The map for the Project site is Figure 1. The Property is classified in Flood Zone "X," areas outside the mapped 500-year floodplain, a low-to-moderate risk area. See Flood Hazard Assessment Tool ("FHAT") Report, attached hereto as **Appendix 12**. There are no surface water bodies such as streams, lakes,

wetlands, or anchialine ponds located on the Property, and there are no known areas of non-coastal local flooding present.



Figure 5: FIRM Map

The Property lies in close proximity to the Ho‘okena Beach Park (located on the coast to the southwest of the Property) (“Beach Park”). The Park Pavilion FEA describes the shoreline area at the park as being “a wide bay, with calm and protected waters that encourage many ocean-related activities.” Applicant, who has been familiar with the Property for over 25 years, has never seen the Property inundated as a result of high storm waves or tsunamis.

As shown above, the Project site is located entirely within Flood Zone X. Flood Zone X is a low-to-moderate risk area that lies outside of the 0.2% annual chance floodplain. Id. No mandatory flood insurance requirements apply in this area. The home will be designed and constructed to adhere to Chapter 27, Floodplain Management, of the Hawai‘i County Code. Like many coastal properties in Hawai‘i, the Property lies within a tsunami evacuation zone.

Of increasing importance to land use approvals in coastal regions throughout the world is the issue of sea level rise. The Earth is warming because of increases in human-produced greenhouse gases such as carbon dioxide and methane, which in turn, this has led to a rise in global sea level (<http://www.ncdc.noaa.gov/oa/climate/globalwarming.html>). According to the National Climate Data Center of the National Oceanic and Atmospheric Administration (NOAA), global mean sea level has been rising at an average rate of 1.7 mm/year (plus or minus

0.5mm) over the past century, a rate which has increased over the last 10 years to 3.1 mm/year (Bindoff et al 2007). NOAA projects an expected range of sea level rise over the next century of between 0.18 and 0.59 m due mainly to thermal expansion and contributions from melting alpine glaciers. However, potential contributions from melting ice sheets in Greenland or Antarctica may yield much larger increases. Dr. Charles Fletcher of the University of Hawai‘i, Mānoa, estimates that sea level may rise up to one meter by the end of the next century.

In Hawai‘i, beach erosion, reef overtopping and consequent higher wave run-ups, more devastating tsunami, and full-time submergence of critical coastal areas are likely to occur Sea Level Rise Website, (<http://www.soest.hawaii.edu/coasts/sealevel/>). It is particularly important to consider the location of new infrastructure, and the State and counties must consider how to adjust zoning and setbacks so that large, expensive public buildings are not put in the path of inevitable damage. On the Big Island, global sea level rise is coupled with local effects of subsidence. Since 1946, sea level at Hilo on the Big Island has risen an average of 1.8 ± 0.4 mm/yr., faster than in Honolulu on the island of O‘ahu, a figure that has recently decreased. The degree to which this reflects subsidence versus variations in upper ocean temperature is currently not known (Caccamise, et al., 2005).

According to the Hawai‘i Sea Level Rise Viewer, the Property is not located within a sea level rise exposure area. See Hawai‘i Sea Level Rise Viewer, available at <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>. The Viewer accounts for predicted sea level rise up to 3.2 feet by the year 2100. The Property is not subject to passive flooding due to sea level rise. *Id.* The risk of annual high wave flooding is not assessed for the Island of Hawai‘i due to limited information and geospatial data. *Id.*

A scenario of modest sea level rise would not likely substantially affect the integrity or use of the kuleana property, which is situated between 24 and 35 feet above sea level. Larger increases, particularly in a case of sudden onset, could certainly affect it. If so, this home would be among thousands, or perhaps tens of thousands, to be affected in what would be the largest disaster to affect the Hawaiian Islands since human settlement. As sea level rise is gradual, there would probably be an opportunity for the owner to plan for relocation but for the present, the owner makes an informed decision to enjoy living on his property in this location.

There is little risk of erosion, as the Property is located 24-35 feet above sea level and contains no surface bodies of water. However, like the rest of Hawai‘i Island, the Property is subject to regular seismic activity due to active volcanic processes.

Most groundwater in the coastal Kona area is drawn from a body of fresh or brackish water that floats on top of denser saltwater. *See* U.S. Department of the Interior, Geohydrology and Numerical Simulation of the Ground-Water Flow System of Kona, Island of Hawai‘i (1990), available at <https://pubs.er.usgs.gov/publication/wri994073>. The source of the fresh water is ground water recharge from: (1) the upgradient high water-level area; (2) infiltration of rainfall and fog drip; and (3) irrigation water. *Id.* at 39.

The Property is located within the Ka‘apuna aquifer. *Id.* at 22. Groundwater recharge in the Kaapuna aquifer system is estimated to be about 115 million gallons per day. *Id.* at 21. The aquifer has a sustainable yield of about 51 million gallons per day. See State of Hawai‘i Commission on Water Resource Management, Water Resource Protection Plan (June 2008) at 6-19, available at <http://files.hawaii.gov/dlnr/cwrm/planning/.../FINAL WRPP 20080828.pdf>.

Existing water use as of July 2005 was estimated at .008 million gallons per day. Id. at 6-19.

Impacts and Mitigation Measures

The Property is not oceanfront, being located over 500 feet inland and, as discussed above, the Project is in Flood Zone “X.” Access to the home will be by the existing Ho‘okena Beach Road, a public road used to access properties and residences in the area as well as the public County of Hawaii’s Beach Park.

The Property has been previously graded, there was an historic-era home on the property, and it is unclear whether the rock wall surrounding the Property was built before or after the grading. The house pad will be graded only to the extent so as to balance the cut and fill materials as best as possible and will be detailed in and conducted in accordance with grading and building plans approved by the County of Hawaii. There will be no grading in addition to the house pad. Applicant will take precautions to prevent soil and sediment runoff during construction activity, thereby minimizing any potential impacts to marine and coastal resources. Applicant will ensure that his contractor will perform all earthwork and grading in conformance with:

- (a) “Storm Drainage Standards,” County of Hawai‘i, October, 1970, and as revised,
- (b) applicable standards and regulations of Chapter 27, “Flood Control,” of the Hawai‘i County Code,
- (c) applicable standards and regulations of Chapter 10, “Erosion and Sedimentation Control,” of the Hawai‘i County Code.

Applicant will adhere to best management practices including:

- (a) placing silt fence at toe of all cut slopes, if any;
- (b) placing straw wattles at intermediate locations parallel to contours of exposed soil, if any; and
- (c) stabilization (seeding/planting, etc.) of exposed soil as quickly as possible.

Besides the Ho‘okena Beach Road, the Ho‘okena community has no public infrastructure that could be impacted by a wave run-up, submergence, or tsunami. The public telephone transmission lines are above ground. The Project will be supported by a planned rooftop solar photovoltaic system, potable water from a private water source, and an individual wastewater system (“IWS”). As such, it is expected that the Project will not contribute to sedimentation, erosion, and pollution of coastal waters any more than does the public use of the existing Beach Park.

3. Flora and Fauna

Environmental Setting

Flora: There are no known endangered or candidate plant species on the Project site. Vegetation on the Property consists primarily of kiawe (*Prosopis pallida*), kukui (*Aleurites moluccana*), and tamarind (*Tamarindus indica*) trees, shrubs, grasses and bare soil. The Park Pavilion FEA includes a letter from the U.S. Fish and Wildlife Service classifying the area as “alien grassland and sparse to un-vegetated land.” Id. at 94. See, also, Table 1 below.

Fauna: Various introduced mammals such as feral cats, mongooses, dogs, mice and rats may be present at the Property or in areas nearby. Id. at 40. Three federally endangered species – the Hawaiian hawk (*Buteo solitarius*), Hawaiian hoary bat (*Lasiurus cinereus semotus*) and Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*) – have previously been observed in the general area, along with the pueo, or Hawaiian short-eared owl (*Asio flammeus sandwichensis*). Id. The pueo is listed as endangered on the Island of O‘ahu, but is not considered threatened on Hawai‘i Island. Id. The federally threatened Newell’s shearwater (*Puffinus auricularis newelli*) has also been observed in the general vicinity. Id. Other birds found in the area include the black francolin, house finch, ricebird, myna bird, dove, and cardinal. Id.

Birds utilizing the site are mostly entirely alien. Typical expected birds, some of which were observed by Applicant, include Common Myna (*Acridotheres tristis*), Northern Cardinal (*Cardinalis cardinalis*), Yellow-billed Cardinal (*Paroaria capitata*), Yellow-fronted Canary (*Serinus mozambicus*), Spotted Dove (*Streptopelia chinensis*), Japanese White-eye (*Zosterops japonicus*), Gray Francolin (*Francolinus pondicerianus*), and House Finch (*Carpodacus mexicanus*). No native birds have been identified during the survey, and it is unlikely that many native forest birds would be expected to use the Project site due to its low elevation, alien vegetation, and lack of adequate forest resources. Common shorebirds, such as Kolea (*Pluvialis fulva*), Ruddy Turnstone (*Arenaria interpres*), and Wandering Tattler (*Heteroscelus incanus*), have been observed in the area on the basalt shelf fronting the coastline. They would be unlikely to make much use of the Property itself, which offers no habitat for them.

In addition to cats and dogs, the mammalian fauna of the Ho‘okena Village area is composed of introduced species, including small Indian mongooses (*Herpestes a. auropunctatus*), roof rats (*Rattus r. rattus*), Norway rats (*Rattus norvegicus*), European house mice (*Mus domesticus*) and possibly Polynesian rats (*Rattus exulans hawaiiensis*). None are of conservation concern and all are deleterious to native flora and fauna.

The only native Hawaiian land mammal, the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*), may also be present in the general area, as it is present in many areas on the island of Hawai‘i. The Project site itself is small and not heavily vegetated and would not offer any substantial habitat for this endangered species, which has been observed in kiawe scrub vegetation in other parts of South Kona.

Table 1. Plant Species on/near Property

Scientific Name	Family	Common Name	Life Form	Status*
<i>Aleurites moluccana</i>	Euphorbiaceae	Kukui (candlenut)	Tree	A
<i>Boerhavia coccinea</i>	Nyctaginaceae	Boerhavia	Herb	A
<i>Catharanthus roseus</i>	Apocynaceae	Madagascar periwinkle	Shrub	A
<i>Cleome gynandra</i>	Capparaceae	Spider wisp	Herb	A
<i>Cocos nucifera</i>	Arecaceae	Coconut	Tree	A
<i>Furcraea foetida</i>	Agavaceae	Mauritius hemp	Shrub	A
<i>Ipomoea pes-caprae</i>	Convolvulaceae	Beach morning glory	Vine	I
<i>Kalanchoe pinnata</i>	Crassulaceae	Air plant	Herb	A
<i>Leucaena leucocephala</i>	Fabaceae	Haole koa	Tree	A
<i>Momordica charantia</i>	Cucurbitaceae	Wild bittermelon	Vine	A
<i>Morinda citrifolia</i>	Rubiaceae	Noni	Shrub	A
<i>Panicum maximum</i>	Poaceae	Guinea grass	Herb	A
<i>Pithecellobium dulce</i>	Fabaceae	Opiuma	Tree	A
<i>Portulaca oleracea</i>	Portulacaceae	Pigweed	Herb	A
<i>Prosopis pallida</i>	Fabaceae	Kiawe	Tree	A
<i>Rivina humilis</i>	Phytolaccaceae	Coral berry	Shrub	A
<i>Schinus terebinthifolius</i>	Anacardiaceae	Christmas berry	Tree	A
<i>Senna occidentalis</i>	Fabaceae	Coffee senna	Tree	A
<i>Sida rhombifolia</i>	Malvaceae	Sida	Herb	A
<i>Tamarindus indica</i>	Caesalpiniaceae	Tamarind	Tree	A
<i>Thespesia populnea</i>	Malvaceae	Milo	Tree	A
<i>Waltheria indica</i>	Sterculiaceae	‘Uhaloa	Shrub	I

* A = alien, E = endemic, I = indigenous

Impacts and Mitigation Measures

Because of the relatively minor nature of the Project and the lack of native terrestrial ecosystems and threatened or endangered plant species, construction and use of the single-family residence are not likely to cause adverse biological impacts. Applicant is planning minimal landscaping. No effect on any coastal ecosystem will occur, both because of the lack of well-developed native community on or in the vicinity of the Property and the fact that the Project will occur more than 500 feet from the coastline. The precautions for preventing any effects to water quality during construction listed above in Section IV.A.2 should minimize any adverse impact on aquatic biological resources in coastal waters.

Applicant agrees to use exterior lighting sparingly; any exterior lighting will be shielded to minimize the potential for disorientation of seabirds.

Applicant does not intend to remove existing trees, although some limbs will need to be trimmed. While there is some potential that Hawaiian hoary bats may be found in the Ho'okena area, if Applicant does remove trees which are more than 15 feet tall, such tree removal will not occur during the bat-birthing and rearing season (June 1 through September 15).

4. Air Quality, Noise, and Scenic Resources

Environmental Setting

Air quality in the area is generally excellent, due to its rural nature and minimal degree of human activity, although vog, sulfur dioxide, and particulate matter from Kilauea volcano, are occasionally blown into South Kona. Public use of the Ho'okena Beach Road and unpaved parking area (accommodates approximately 30 cars) generates some dust in the area.

Construction of the home will create little fugitive dust. As stated above, grading for the house pad will be minimal: only to balance the cut and fill materials under the pad itself.

Noise on the Project site during the day is generally derived from road noise by vehicles traversing the road (including conversations, radio, and music) on Ho'okena Beach Road accessing the popular Beach Park and by persons and groups using the existing park facilities. At night, noise is generally low, derived from natural sources (such as surf and wind) and from persons availing themselves of the 22 overnight camping sites at the park.

The area shares the quality of scenic beauty along with most of the Kona coastline. The County of Hawai'i General Plan contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment. The General Plan specifically lists an area about a half mile to the north, Ho'okena-Kauhako Bay, in TMK Plats 8-6-13 and 14, as examples of natural beauty.

Impacts and Mitigation Measures

The Project would not affect air quality or noise levels in any substantial way. Brief and minor adverse effects would occur during construction.

There are virtually no sensitive noise receptors in the vicinity, and given the small scale of the project, noise mitigation will likely not be necessary. The Project site is located in close proximate vicinity to the activity of the Beach Park and existing facilities; however, the period of daytime construction on and eventual daily use of the Property will probably not override the noise generated by the public traveling to and from and use of the beach for ocean activities, or use of the park facilities.

Construction activities will comply with the provisions of HAR § 11-60.1-33 on Fugitive Dust. Although minimal grading or leveling will be required for the foundation of the home, the following best management practices will be implemented to control airborne, visible fugitive dust:

- a) planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) providing an adequate water source at the site prior to start-up of construction activities;
- c) landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) minimizing airborne, visible fugitive dust from shoulders and access roads;
- e) providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) controlling airborne, visible fugitive dust from debris being hauled away from the project site.

The vegetation surrounding the Property would partially mask the appearance of the residence. In addition, Applicant plans to further landscape the Property so as to obstruct visibility from the Beach Park and Ho‘okena Beach Road. The residence would have no or little impact on the scenic resources in the Ho‘okena-Kauhako area given that there are existing residences and existing structures at the Beach Park located between the Project area and the coastline. The proposed residence is not adjacent to the shoreline and will be mostly screened

from view by those walking the shoreline north of the Beach Park due to the existing kiawe trees; certainly no more visible than the existing homes and Beach Park facilities situated closer to the shoreline.

It should be recognized that a single-family home is an identified use in the General subzone of the Conservation district. Any single-family home will have some visual impact. Applicant is planning to continue the low-key landscape of the Property and utilize native plants whenever possible in landscaping to the screen the visual impact. The DAIS for the Project highlights the fact that the Property is a historical site having been the site of a historic-era residence in the once bustling residential and commercial Ho‘okena Village. Applicant seeks to continue that use.

5. Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on an onsite inspection, it appears that the site contains no hazardous or toxic substances and exhibits no other hazardous conditions. In order to ensure that construction-related damage is avoided or minimized, the Applicant will ensure the following, which are expected to be imposed as conditions of the CDUP:

- Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall;
- Cleared areas will be replanted or otherwise stabilized as soon as possible;
- Fuel storage and use will be conducted to prevent leaks, spills or fires; and
- Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing, or leaching into the ocean.
- Appropriate erosion/silt barriers will be erected, construction waste will be trucked to an appropriate disposal site, and all chemicals, paints, etc., used in construction will be stored and removed from the site in accordance with labeling requirements.

B. Socioeconomic and Cultural

1. Land Use, Designations, and Controls

Existing Environment

The property is bordered by a public roadway on two sides and private properties on the remaining sides. See photographs at **Appendix 11**.

The State Land Use District for the Property is Conservation, General subzone; therefore, permissible uses for the Property are governed by the rules of the Department of Land and Natural Resources (HAR § 15-15-26) and County zoning ordinances do not apply.

Conservation District

The objective of the General Subzone is “to designate open space where specific conservation uses may not be defined, but where urban use would be premature.” HAR § 13-5-14. The General Subzone is the least restrictive of all subzones in the Conservation District and functions largely as a catch-all designation; guarding against more intensive urban uses while simultaneously recognizing the suitability of limited improvements in certain areas.

As noted, development of a single-family residence is an identified use in the General Subzone according to HAR § 13-5-25, which states that “all identified land uses and their associated permit or site plan approval requirements listed for the protective, limited, and resource subzones also apply to the general subzone.” Single-family residences (subject to varying degrees of restriction) are allowable uses in the Protective, Limited and Resource subzones. See HAR §§ 13-5-22 (P-3), 13-5-23 (L-3), 13-5-24 (R-7). Taking guidance from the least restrictive designation under the Resource Subzone, the General Subzone allows for “a single family residence that conforms to design standards as outlined in this chapter.” HAR § 13-5-24 (R-7). The proposed residence will be constructed in accordance with the Single Family Residential Standards enumerated in Exhibit 4 to HAR § 13-5, as well as the Hawai‘i County Building Code.

Applicant is required to apply for a Conservation District Use Permit (CDUP). Because the General Subzone allows for single-family residences such as the one proposed here, the use is consistent with the objectives of this subzone.

Special Management Area

The Project site is within the Special Management Area. Thus, the Applicant is required to apply for a Special Management Area Permit (or exemption) in order to ensure that the proposed structure is “consistent with the surrounding environment.” (HRS § 183C-5.) Single-family residences may be determined to be an exempt action under the County’s Special Management Area (SMA) guidelines. Applicant submitted an SMA Assessment Application to the County Planning Director wherein the Project was described and requested a determination that the proposed single-family home is exempt from the requirements of an SMA use permit. The Planning Director issued a determination that the Project is exempt from the requirement for an SMA Permit and enumerated certain conditions. See Planning Director SMA exemption determination dated January 28, 201[9] attached hereto as Appendix 9.

The consistency of the Project with the regulations and policies of the Conservation District and the Special Management Area are discussed in Sections 8.b and c below.

2. Socioeconomic Characteristics and Recreation

Existing Environment

The Project is the location of a historic era residence site situated within the Ho'okena Village on the southwest shore of the Island and County of Hawai'i. This is a fairly remote portion of the Big Island, with the nearest town of Captain Cook located approximately eight miles away.

Although South Kona was an important district in pre-Contact Hawai'i, by 1900 it had become a sleepy rural district of scattered coffee farms and cattle ranches, with more traditional fishing villages such as Ke'ei and Napo'opo'o still present on the coast. Many parts of West Hawai'i have experienced high rates of growth associated with the booming visitor industry. Population has grown rapidly in all of West Hawai'i, although less so in the District of South Kona, where the number of inhabitants increased from 7,658 in 1990 to 8,589 in 2000, an increase of about 12%, less than the County's growth from 120,317 in 1990 to 148,677 in 2000, an increase of about 25%. This is attributable to the fact that South Kona has very little urban area or small agricultural lots to accommodate population growth.

The Project site is approximately 500 feet from the Beach Park at the end of Ho'okena Beach Road.

The shoreline and nearshore waters at Kauhako Bay fronting the Beach Park are frequented by the public, including beachgoers, fishermen, divers, swimmers, snorkelers, kayakers, and hikers.

Impacts and Mitigation Measures

No adverse socioeconomic impacts are expected to result from the Project. The Project will have a very small positive economic impact for the County of Hawai'i. The residence and associated improvements will not adversely affect other residents any more than the impacts of the Beach Park or the proposed Park Pavilion.

Because the Property is not oceanfront, construction of the residence would have no adverse effect on access to or recreational use of the shoreline or the Beach Park. There is ample parking at the Beach Park.

The residence will also comply with the Coastal Zone Management ("CZM") guidelines set forth under HRS § 205A. The home will not interfere with views along the coast. It will not restrict any shoreline uses such as fishing, hiking or gathering. It will not obstruct public access to the beach or hinder the ability of the public to engage in coastal recreation. It will not impact historic resources, marine resources, or coastal hazards.

3. Cultural, Historic, and Archaeological Resources

The DAIS submitted to SHPD, performed by Haun & Associates, includes historical and archaeological background research. See DAIS, Appendix 3, at pp. 6-23. In addition, the Park Pavilion FEA completed for the construction of a pavilion at the Beach Park, approximately 500 feet from the Property, contains an extensive discussion of historical and cultural context at Ho‘okena Village.

Applicant has not commissioned a cultural impact assessment with respect to the Project site. It is well known that the area has a rich cultural history. There have been ample cultural assessments of this area, including the Park Pavilion FEA and an Archaeological Inventory Survey and Limited Cultural Assessment for the Unger Residence on TMK (3) 8-6-014: 012, found at: http://oegc2.doh.hawaii.gov/EA_EIS_Library/2009-10-23-HA-FEA-Unger-Residence.pdf. The cultural study conducted as part of the Park Pavilion FEA found that no known sacred cultural sites exist in the Ho‘okena region of influence. *Id.* at 103. Individuals and their families continue to use the Ho‘okena area for traditional Hawaiian practices such as harvesting food from the ocean, particularly ‘ōpelu and ahi. *Id.* at 49.

As shown in the Park Pavilion FEA, the State Historic Preservation Division (“SHPD”) conducted a field inspection in the area in 1998 and found that the proposed construction of a restroom facility, septic tank, and leach field at Beach Park would have “no effect” on significant historic sites. *See* Park Pavilion FEA at 48. SHPD found that the parcel at Beach Park “appear[ed] to have been graded in the past and the only historic features on the parcel are the rock walls, but because they have been recently restacked, and concrete was used to stabilize them, they probably do not qualify as significant historic sites.” *Id.* SHPD also noted that “[t]he walls are in keeping with traditional land use patterns and are consistent with past practices . . . we recommend preservation of the wall wherever possible, with the exception of the portions repaired with concrete.” *Id.*

The Park Pavilion FEA and the DAIS establish that the Ho‘okena Village was a populated community in the Nineteenth Century which supported an interisland steamer landing into the Twentieth Century. Ho‘okena was historically the site of an ancient Hawaiian fishing village. In the late 1800s, Ho‘okena Beach and Kauhako Bay served as a major landing area for interisland steamers and shipment traffic. *See* Park Pavilion FEA at 49, 110; *see, also*, John R.K. Clark, *Beaches of the Big Island* (1985); *see, also*, DAIS at 18. By the mid-1930s, steamer transportation had declined, and the pier and landing at the bay had been damaged by surf and storms, and many residents moved away from the Ho‘okena area. *See* Park Pavilion FEA at 49.

Applicant has been a resident of Kona for 33 years and has developed personal relationships with several long-term Ho‘okena residents. Many residents testified in favor of Applicant’s petition for a change in subzone. Applicant has owned the Property for more than 25 years. As Applicant approaches retirement, he hopes to build a home on the Property and

occupy it in retirement as a personal residence. This use is completely consistent with the character of the Ho‘okena community and will not cause any adverse cultural impact.

Several Native Hawaiian long-term residents of Ho‘okena Village came to the public hearing relative to the Applicant’s request for change of subzone and testified in favor of the request and Applicant’s intention to build a residence and said they welcome the Applicant to the community.

Ho‘okena Village is not listed on the state or federal registry of historic places.

The DAIS concluded that the entire Project area is a historic era residence and is assessed as significant under Criterion “d.” The site (Site 31025) has yielded information important for understanding historic habitation of the area. The mapping, written description, and photographs of the Site 31025 complex adequately document it and no further work or preservation is recommended. *Id.* at p. 43.

There are no archaeological or historical sites on the Property and no native plant or animal species on the Property that may be subject to native gathering or other customary use. As mentioned above, there is an existing rock wall on the Property that ranges in height from one-and-a-half to four feet. *See* DAIS (Appendix 3) at Fig. 25 and 26; *see also*, Aug. 22, 2014, DLNR Staff Report (Appendix 5) at p. 5, Discussion; and Fig. 3b - 3d. The wall identifies the boundary between the Property and other adjoining parcels, and similar walls appear along parts of other parcels situated nearby. The Project site has previously been graded and it is unclear when the rock wall was built. Applicant is unable to determine whether the rock wall was built before or after the grading or whether the wall was restacked or otherwise altered during the grading.

Impacts and Mitigation for Cultural, Historical, and Archaeological Resources

The project is not anticipated to impair, diminish, preclude, or interfere with customary or traditional native Hawaiian rights in any manner. Applicant is aware that cultural or customary rights may be exercised in the Ho‘okena area and on the shoreline makai of the Property and fully supports Native Hawaiian rights for access, fishing, hunting, gathering, ceremonial or other cultural practices. Construction of the proposed single-family residence will not impair or interfere with those rights. Applicant does not intend to and will not obstruct any customary or traditional Native Hawaiian rights to be exercised on or near the Property. Any such rights exercised by Native Hawaiians will continue without interference.

It is logical to believe that from its earliest history the whole village practiced traditional subsistence fishing methods given the context of the populous settlement history of the village. It is difficult to understand how an additional single-family residence would create more of a cumulative impact to traditional fishing methods than do the area’s existing approximate dozen residences and the daily influx of visitors to the Beach Park.

Applicant is a long-time resident of Kona and has developed personal relationships with many Ho‘okena residents as evidenced by the number of persons who appeared at the April 22, 2014, public hearing to testify in favor of his petition for a change in subzone. He has owned the Property for 25 years and has a heightened awareness of the particularly sensitive environment of Ho‘okena Village. His planned retirement home is harmonious with the character of the Ho‘okena community and will not interfere with the practice of traditional subsistence fishing in the area; will not create a need for traffic or road improvements; will not adversely affect view planes from the Beach Park, the ocean, or the mauka highway; and the impact of artificial lighting will be limited and any outdoor lighting will be further mitigated by shielding. The DAIS found no burials; however, if during the construction inadvertent finds are made, Applicant will adhere to proper protocols. Applicant commissioned an AIS which determined that the Property is, itself, a historical site having been a historic area residence. He wishes to continue that use of the Property in this evolved but once bustling residential and commercial area.

Applicant does not propose to disturb or otherwise alter the existing rock wall on the Property and will utilize management practices during all construction activities to shield the rock wall from any impacts. The DAIS concludes that, “This activity will have no effect on historic properties because Site 31025 requires no further work or preservation.” Notably, the DAIS does not report any burials or other significant finds.

There are no identified roads or trails on the Property and the Project will in no way limit public access to and along the shoreline. The Na Ala Hele Abstractor responded with “No Comments” to the Notice of Acceptance and Preliminary Environmental Determination and request for agency comments. See, Appendix 17.

4. Public Facilities and Services

Existing Environment, Impacts, and Mitigation Measures

a. Vehicular Access

Applicant’s use of the Property for a residence will not create additional use of the roadway that would require “traffic and road improvements.” Applicant already uses the road for access to the Property for camping, upkeep, and going to the Beach Park, which is a continued use of the road. The Property is partially bound by and accessed via the paved Hookena Beach Road (sometimes called “Old Government Road” or “Government Main Road”). This roadway is shared by residents and visitors to the Beach Park. Use of this road may increase during the period of construction activity on the Project although such activity will be temporary and create negligible adverse impacts. Applicant will instruct contractors and suppliers to not block the road.

As discussed above, the Beach Park is on the shoreline directly south of the Property. The public traverses the roadway shown in Figures 2 and 3a above for access to the Beach Park. The County of Hawaii is the property owner at Ho'okena Village responsible for the heaviest use of the roadway for users of the Beach Park, and it is logical that the burden of any roadway improvements would fall on the County, not the private residential owners.

b. Beach Park

The Project will not increase the use of the Beach Park as Applicant already uses the park when he makes visits to the Property to camp and tend to landscape maintenance.

c. Schools

There are no schools in the immediate vicinity. Applicant is building his retirement home for himself, which will not create a demand on any area school.

d. Fire Department Access and Water Supply

The "Open" zoning of Subject Property allows for single-family residences and the proposed home will not increase demands on the County Fire Department as Mr. Gregg already resides in the County. Plans for the proposed home will be reviewed with the Fire Department while applying for a building permit for adherence with the relevant sections of the Fire Code.

5. Public Utilities

Existing Environment, Impacts, and Mitigation Measures

Public telephone services are provided via overhead transmission lines. Water is provided through a private water supply and construction of the proposed home will include plans for a rooftop solar photovoltaic system. The construction of an "IWS" will be necessary to process wastewater from the residence. Applicant proposes the installation of one 1,000-gallon septic tank located towards the southwestern portion of the Property and a twelve-by-twelve foot absorption bed. See Individual Wastewater System Plan, attached hereto as **Appendix 13**; see, also, Site Plan, Appendix 2.

6. Secondary and Cumulative Impacts

Due to its small scale, the Project would not produce any major secondary impacts such as population changes or effects on public facilities. Applicant already lives in the Kona area and will simply be relocating.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures.

There are approximately a dozen homes in Ho‘okena Village. The adverse effects of building a single-family residence in this context are minor and temporary disturbance to air quality, noise, and visual quality during construction. Any disturbances to any one visitor to the Beach Park during the day during the construction period will be limited to possible construction noise as the visitors drive past the Property. Once established on the beach, the natural sound of the surf will effectively override any sounds of construction on the Property. It should be noted that most existing residences are not in close proximity to the Property and no cumulative effects would be expected. See Figure 3a. Other than the precautions for preventing any effects to water quality during construction listed above in Section IV.A.2, no special mitigation measures should be required to counteract any minimal adverse cumulative effect.

The coastal area of South Kona, and particularly the Project area, has a distinctly rural character, even with the Ho‘okena State Park as a popular destination for residents and tourists. As pointed out above, Ho‘okena Village was once a bustling commercial village with a steamer landing and businesses and facilities that supported that industry. The Property is the site of a historic area residence. A continued use of the Property should create no more cumulative impacts than historic use of the Property and Village.

7. Required Permits and Approvals

County of Hawaii

Special Management Area Permit Exemption (received)

Plan Approval and Building Permits

State of Hawaii

Conservation District Use Permit

8. Consistency with Government Plans and Policies

a. County of Hawai‘i General Plan

The General Plan for the County of Hawai‘i expresses the broad goals and policies for the long-range development of the Island of Hawai‘i. The Plan was adopted by ordinance in 1989 and revised in 2005. The General Plan is organized into thirteen elements, with policies, objectives, standards, and principles for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai‘i. Below are pertinent sections followed by a discussion of conformance.

ECONOMIC GOALS

(a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.

(b) Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.

(d) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Discussion: The proposed Project is in balance with the natural, cultural and social environment of the County, would create temporary construction jobs for local residents, and would indirectly boost the economy through construction industry purchases from local suppliers. A multiplier effect takes place when these employees spend their income for food, housing, and other living expenses in the retail sector of the economy. Such activities are in keeping with the overall economic development of the island. The Project is a resumption of the historic use of the Property for residential use.

ENVIRONMENTAL QUALITY GOALS

(a) Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.

(b) Maintain and, if feasible, improve the existing environmental quality of the island.

(c) Control pollution.

ENVIRONMENTAL QUALITY POLICIES

(a) Take positive action to further maintain the quality of the environment.

ENVIRONMENTAL QUALITY STANDARDS

(a) Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and well being, through the enforcement of appropriate Federal, State and County standards.

(b) Incorporate environmental quality controls either as standards in appropriate ordinances or as conditions of approval.

(c) Federal and State environmental regulations shall be adhered to.

Discussion: The proposed project would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. The home and associated improvements would be compatible with the existing rural single-family homes and recreational uses in the area. Pertinent environmental regulations would be followed, including those for mitigation of water quality impacts.

HISTORIC SITES GOALS

- (a) Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii.
- (b) Appropriate access to significant historic sites, buildings, and objects of public interest should be made available.

HISTORIC SITES POLICIES

- (a) Agencies and organizations, either public or private, pursuing knowledge about historic sites should keep the public apprised of projects.
- (b) Amend appropriate ordinances to incorporate the stewardship and protection of historic sites, buildings, and objects.
- (c) Require both public and private developers of land to provide historical and archaeological surveys and cultural assessments, where appropriate, prior to the clearing or development of land when there are indications that the land under consideration has historical significance.
- (d) Public access to significant historic sites and objects shall be acquired, where appropriate.

Discussion: The DAIS has properly documented that the Property was historically used for a residence during the period that Ho'okena Village was a bustling commercial area. The use of the Property seems appropriate; no mitigation measures were required for the Project.

FLOOD CONTROL AND DRAINAGE GOALS

- (a) Protect human life.
- (b) Prevent damage to man-made improvements.
- (c) Control pollution.
- (d) Prevent damage from inundation.
- (e) Reduce surface water and sediment runoff.

(f) Maximize soil and water conservation.

FLOOD CONTROL AND DRAINAGE POLICIES

(a) Enact restrictive land use and building structure regulations in areas vulnerable to severe damage due to the impact of wave action. Only uses that cannot be located elsewhere due to public necessity and character, such as maritime activities and the necessary public facilities and utilities, shall be allowed in these areas.

...

(g) Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

FLOOD CONTROL AND DRAINAGE STANDARDS

(a) “Storm Drainage Standards,” County of Hawaii, October, 1970, and as revised.

(b) Applicable standards and regulations of Chapter 27, “Flood Control,” of the Hawaii County Code.

(c) Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).

(d) Applicable standards and regulations of Chapter 10, “Erosion and Sedimentation Control,” of the Hawaii County Code.

(e) Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

Discussion: The Property is within the Zone X, or areas outside of the 500-year Floodplain as determined by detailed methods in the community flood insurance study, according to the Flood Insurance Rate Maps (FIRM). The Project will conform with applicable drainage regulations and policies of the County of Hawai‘i. In its August 22, 2014, Staff Report (Appendix 5), Ms. Mills reported that OCCL Staff visited the site in 2013 and noted that there was no evidence of soil erosion, pooling of water, or flooding erosion.

NATURAL BEAUTY GOALS

(a) Protect, preserve, and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.

- (b) Protect scenic vistas and view planes from becoming obstructed.

Discussion: View Plane Mitigation

Also in its August 22, 2014, Staff Report (Appendix 5), it was reported that “the lot was vacant surrounded by rock walls on all four sides with large trees.” Id. In the analysis of redesignating the Property from the Limited to General Subzone, the report went on to state that “there is an existing beach park in close proximity” and that “[l]and uses in the area and the neighboring community of Kealia are low profile residential uses that retain the open space character of the vicinity.” These statements address directly the concerns in the Decision that “[t]he siting and construction of a residence may involve . . . view plane mitigation.” Id.

Applicant’s proposed residence, a one-bedroom home of modest design and scale, occupying a building footprint of 2,016 square feet, with a total living area of 3,234 square feet over two stories, will be surrounded by the existing “rock walls on four sides and large trees.” As pointed out in the CSBA at page 14, there are approximately a dozen single-family residences at Ho‘okena, at least one of which is two-story. The proposed home will be surrounded by trees and will be less visible to the public traversing the Ho‘okena Beach Road enroute to the Beach Park on the shoreline just south of the Property. See aerial photograph, Figure 3a., and photos at Appendix 11. The Beach Park itself has nearly a 180° view of the shoreline and ocean and an almost unobstructed mauka view of the slopes of Mauna Loa. Ho‘okena Village is not visible from the upper Hawaii Belt Road. The proposed residence is not adjacent to the shoreline and will be mostly screened from view by those walking the shoreline north of the Beach Park due to the existing kiawe trees; certainly no more visible than the existing homes situated closer to the shoreline.

- (c) Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

NATURAL BEAUTY POLICIES

- (a) Increase public pedestrian access opportunities to scenic places and vistas.
- (b) Develop and establish view plane regulations to preserve and enhance views of scenic or prominent landscapes from specific locations, and coastal aesthetic values.

Discussion: The improvements are minor and consistent with traditional uses of the land and will not cause scenic impacts or impede access.

NATURAL RESOURCES AND SHORELINES GOALS

- (a) Protect and conserve the natural resources from undue exploitation, encroachment and damage.

(b) Provide opportunities for recreational, economic, and educational needs without despoiling or endangering natural resources.

(c) Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.

(d) Protect rare or endangered species and habitats native to Hawaii.

(e) Protect and effectively manage Hawaii's open space, watersheds, shoreline, and natural areas.

(f) Ensure that alterations to existing land forms, vegetation, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of an earthquake.

NATURAL RESOURCES AND SHORELINES POLICIES

(a) Require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.

...

(c) Maintain the shoreline for recreational, cultural, educational, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public.

(d) Protect the shoreline from the encroachment of man-made improvements and structures.

...

(h) Encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.

...

(p) Encourage the use of native plants for screening and landscaping.

...

(r) Ensure public access is provided to the shoreline, public trails and hunting areas, including free public parking where appropriate.

...

(u) Ensure that activities authorized or funded by the County do not damage important natural resources.

Discussion: The proposed Project is approximately 500 feet from the ocean and shoreline resources will not be affected. The Project will create much less impact than the oceanfront Beach Park facilities and visitors. The DLNR removed this Property from the most restrictive conservation subzone, Limited, to the General subzone in 2014.

Special Management Area

The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled Coastal Zone Management. Single-family residences may be determined to be an exempt action under the County's Special Management Area (SMA) guidelines. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, or coastal hazards.

The proposed improvements are not likely to result in any substantial adverse impact on the surrounding environment. The house site is approximately 500 feet mauka of the shoreline and will not restrict any shoreline uses such as hiking, fishing, or water sports. Lateral pedestrian use of the shoreline area will not be impacted and there will be no effect on the public's access to or enjoyment of this shoreline area. Furthermore, view planes towards the project site will not be adversely impacted, as the Property is located a significant distance from nearby roadways or sensitive viewsheds. It is expected that the Project will not result in any impact on the biological or economic aspects of the coastal ecosystem. The Project site is not situated over any major natural drainage system or water feature that would flow into the nearby coastal system. The Property contains few native plants and none that are uncommon. No floodplains are present in the area. Flood Insurance Rate Maps (FIRM) delineate the areas of the Property in which construction would occur as Zone X, outside the floodplain. In terms of beach protection, construction is set back from the shoreline and would not affect any beaches nor adversely affect public use and recreation of the shoreline in this area. No impacts on marine resources are likely to occur. Historic sites and cultural uses have been properly assessed.

On December 27, 2018, Applicant submitted a request for an exemption from the requirement of an SMA Permit to the County Planning Department based on the fact that the Project is construction of a single-family residence of less than seven thousand five hundred square feet of floor area and is not part of a larger development. The Planning Director responded by letter dated January 28, 2018 (sic), with a determination that the Project is exempt from the SMA definition of "development." See exemption determination, Appendix 9 hereto.

Conservation District

The Property is in the State land use Conservation district, General subzone. Any proposed use must undergo an examination for its consistency with the goals and rules of this district and subzone. The Applicant has concurrently prepared a Conservation District Use Application (CDUA), to which this EA is an Appendix. The CDUA includes a detailed evaluation of the consistency of the Project with the criteria of the Conservation district permit process (HAR § 13-5-30(c)). Briefly, the following individual consistency criteria should be noted.

(1) The proposed land use is consistent with the purpose of the Conservation district;

The Project, construction of the single-family residence, conforms with the purpose of the Conservation district. The proposed use of the Property for a single-family residence, an identified use in the Conservation district, and management of the site will conserve, protect, and preserve the natural features on the Property. The proposed Project will not impact the lateral shoreline public access or the public's ability to utilize the coastal resources in the Ho'okena Village. The proposed Project will not impact the access of visitors to the Beach Park nor will it interfere with traditional subsistence fishing methods or practices by native Hawaiians. No valuable natural or cultural resource would be committed or lost. No native ecosystems are present.

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

The objective of the General subzone "is to designate open space where specific conservation uses may not be defined, but where urban use would be premature."

The Property is a lightly sloping parcel characterized by slopes of less than ten percent. The highest elevation of the Property occurs at roughly 35 feet towards the northeastern/mauka portion of the parcel, and the lowest elevation occurs at roughly 24 feet towards the southwestern/makai portion of the Parcel. The Property is located roughly 500 feet inland from the coast.

The Property is fairly level and is primarily covered with lava rock rubble of varying size and little vegetative cover. The Property is located on the basalts and olivine basalts of the Mauna Loa shield known as the Ka'u Volcanic Series. The NRCS has identified the soil in this area to consist mainly of eroded pahoehoe lava flows, with the remainder made up of similar soils and minor components. The minimal soil and the limited size of the Property (less than one-half acre) do not lend themselves to agricultural use.

The Property was historically used as a historic era residential lot when the Ho‘okena Village was a populated community in the Nineteenth Century which supported an interisland steamer landing into the Twentieth Century. Ho‘okena was historically the site of an ancient Hawaiian fishing village. The proposed Project is consistent with the historical use of the Property.

The August 22, 2014, Staff Report and Recommendation pertaining to Applicant’s Conservation Subzone Boundary Amendment (“CSBA”), to change the subzone from Limited to General to allow construction of a single-family residence, stated:

. . . Ho‘okena is a fishing village and not an ‘urban community’ that is defined as having a population of over 2,500 individuals. Land uses in the area and the neighboring community of Kealia are low profile residential uses that retain the open space character of the vicinity. Leaving the property in the Limited subzone would not contribute to the rural community and preservation of the area as a fishing village.

Amending the petitioned area into the General subzone will not cause substantial adverse impact to the existing resources within the surrounding area, community or region and is appropriate given the physical conditions and capabilities of the parcel. Staff believes the designation is compatible with the locality and surrounding area of the established community. Placing the petitioned area into the General Subzone is not inconsistent with the character of the immediate surroundings that are rural in nature.

Staff is of the opinion that the General subzone is an appropriate designation for the petitioned area.

Id., Appendix 5, at p.7.

The CSBA application was approved by the Board on August 22, 2014. The CDUA and this environmental assessment are in furtherance of Applicant’s recognized plans to construct a single-family residence on the Property.

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

The proposed land use complies with provisions and guidelines contained in HRS Chapter 205A, entitled Coastal Zone Management, as discussed above in Section III.B.8.b above.

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

Because of the relatively minor nature of the Project and the lack of native terrestrial ecosystems and threatened or endangered plant species, construction and use of the Property for a single-family residence is not likely to cause adverse biological impacts. The Applicant is planning to implement low-key landscaping with native and Polynesian plants, to the extent feasible, as well as edible plants and may include fruit trees such as mango, lychee, citrus, avocado, and ulu. Applicant will use water from the private water system to irrigate plants as needed. If existing trees or vegetation will require removal in the area of the proposed site of the home (as stated above), any tree over 15 feet in height will not be removed during birthing and rearing season. No effect on any coastal ecosystem will occur, both because of the lack of well-developed native community on or in front of the Property and the fact that the Property is not adjacent to the shoreline area. The precautions for preventing any effects to water quality during construction should prevent any adverse impact on aquatic biological resources in coastal waters.

The porous nature of the lava underlayment and soil type and the existing rock walls surrounding the Property are mitigative in preventing soil erosion from heavy rains. The proposed Project will have no adverse impacts to historic sites or to the scenic character of the area. No substantial adverse impact will occur to existing natural resources. The proposed use of the Property for a single-family residence is a historic era use of the Property for the proposed residence.

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

The proposed use is consistent with historical land use in this area of Ho'okena Village. The home will have a low-key design, of 2,016 square feet, with a total living area of 3,234 square feet over two stories. These structures and uses will not adversely affect the surrounding properties or how these properties are utilized.

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

Because Applicant's proposed residence will be surrounded by the existing rock walls on four sides and large trees, it will be less visible to the public traversing the Ho'okena Beach Road enroute to the Beach Park on the shoreline just south of the Property. The Beach Park itself has a nearly 180° view of the shoreline and ocean and an almost unobstructed mauka view of the slopes of Mauna Loa. Ho'okena Village is not visible from the upper Hawaii Belt Road. The proposed residence is not adjacent to the shoreline and will be mostly screened from

view by those walking the shoreline north of the Beach Park due to the existing kiawe, kukui, and tamarind trees; certainly no more visible than the existing homes situated closer to the shoreline. There are approximately a dozen single-family residences at Ho‘okena, at least one of which is two-story.

- (7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District;*

The Project does not involve or depend upon subdivision and will not lead to any increase in intensity of use beyond the requested single-family residence.

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

The Project is a single-family home for a retired person. The general area, specifically, the Beach Park, is already in use for recreation by the landowners of the area as well as the general public and the proposed single-family residence will not be detrimental to that continued use nor will it impact public health, safety, and welfare.

V. DETERMINATION, FINDINGS, AND REASONS

A. Anticipated Determination

Applicant expects that the OCCL will determine that the proposed action will not significantly alter the environment, as impacts will be minimal, and that this agency will accordingly issue a Finding of No Significant Impact (FONSI). This determination will be reviewed based on comments to the Draft EA, and the Final EA will present the final determination.

B. Findings and Supporting Reasons

1. The proposed Project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources. No valuable natural or cultural resource would be committed or lost. Charles Young and Clarence A. Medeiros, Jr., persons with ties to the Ho‘okena Village area, submitted written testimony in support of Applicant’s application for CSBA and testified at the public meeting held on April 22, 2014. Mr. Young and Mr. Medeiros commented on the historical and archaeological history relative to Ho‘okena. Neither expressed any concern that the proposed home may impact the practice of traditional subsistent fishing methods. It is reasonable to conclude that a modest single-family residence for a long-time Hawaii resident on a site traditionally and historically used for habitation would not be a cumulative impact considering the impact of hundreds of Hawaii residents and tourists that weekly visit the Beach Park just south of the Property.

Native plant communities are not present. An archaeological inventory survey has been conducted and no further work or preservation is recommended. No valuable cultural resources

and practices such as coastal access, fishing, gathering, hunting, or access to ceremonial will be affected in any way.

2. The Project will not curtail the range of beneficial uses of the environment. The Project will not restrict the use of the Beach Park nor would restriction of beneficial uses occur by revival of residential use on this historic era residential site.

3. The Project will not conflict with the State's long-term environmental policies. The State's long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The Project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies.

4. The Project will not substantially affect the economic or social welfare of the community or State. The Project will not have any substantial effect on the economic or social welfare of the South Kona community or the State of Hawai'i.

5. The Project does not substantially affect public health in any detrimental way. The Project will not affect public health and safety in any way.

6. The Project will not involve substantial secondary impacts, such as population changes or effects on public facilities. The small scale of the proposed Project will not produce any major secondary impacts, such as population changes or effects on public facilities.

7. The Project will not involve a substantial degradation of environmental quality. The Project is minor and environmentally benign, and thus it would not contribute to environmental degradation.

8. The Project will not substantially affect any rare, threatened, or endangered species of flora or fauna or habitat. The Property supports mostly alien vegetation and represents poor habitat for native animals. No rare, threatened, or endangered species of flora or fauna are known to exist on the Property, and none would be affected by any Project activities.

9. The Project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions. The adverse effects of building a single-family residence are very minor and temporary disturbance to traffic, air quality, noise, and visual quality during construction. This area is fairly isolated from other residences, and no accumulation of adverse construction effects would be expected. Other than the precautions for preventing any effects to water quality during construction listed above, no special mitigation measures should be required to counteract the small adverse cumulative effect.

10. The Project will not detrimentally affect air or water quality or ambient noise levels. No substantial effects to air, water, or ambient noise would occur. Brief, temporary effects would occur during construction and will be mitigated.

11. The Project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area. No development associated with the single-family residence would be located within a flood zone. All improvements will conform to appropriate regulations guiding development within hazardous zones.

12. The Project will not substantially affect scenic vistas and view planes identified in county or state plans or studies. The single-family residence would be located approximately 500 feet from the shoreline and would be minimally visible to persons walking along the shoreline or from the ocean due to existing obstructing vegetation and other structures makai of the Property. The residence would be minimally visible from Beach Park and not visible from Highway 11.

13. The Project, a single-family home powered by a rooftop photovoltaic system and occupied by a retired person, will not require substantial energy consumption.

For the reasons above, the proposed Project will not have any significant effect in the context of Chapter 343, Hawai'i Revised Statutes and section 11-200.1-12 of the State Administrative Rules.

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

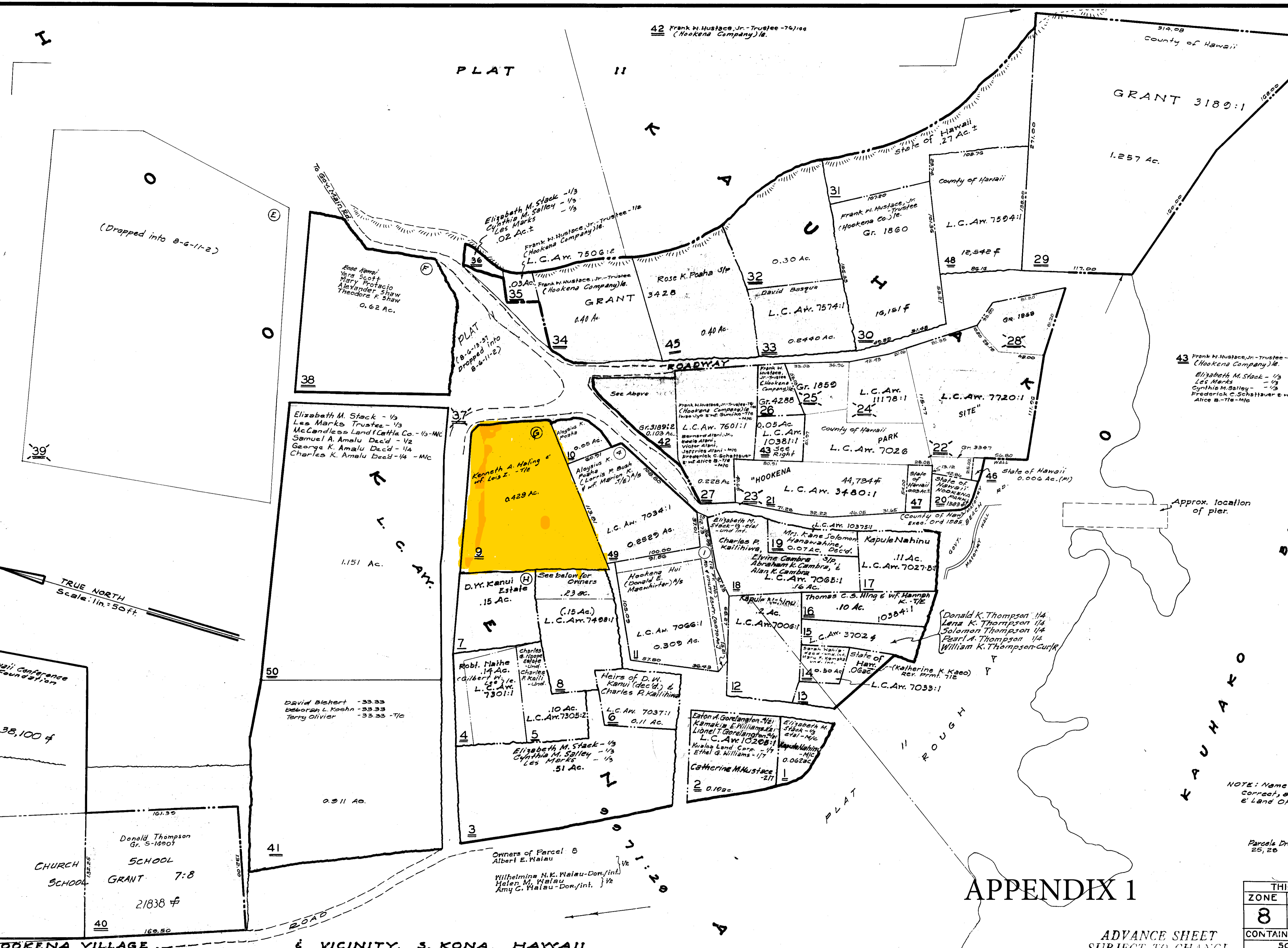
Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 1

Tax Map Key No. (3) 8-6-013

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 APR 1 1 1947
 DEC 1 1940
 FEB 6 1941
 JUN 2 3 1945
 NOV 2 5 1941
 DEC 1 1 1941
 DEC 17 1941
 JAN 1 1942
 FEB 1 1942
 OCT 24 1942
 FEB 7 1943
 MAR 1 1943
 FEB 16 1944
 MAY 6 1944
 JUN 2 1944
 MAR 30 1949
 APR 1 1945
 DEC 1 1945
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Div. No. 2807
 Sources: Tax Maps & Survey Office
 Dy. PK & RKB - July, 1936



43 Frank W. Mustace, Jr. - Trustee - 7/16/36
 (Hookena Company) 1/6.
 Elizabeth M. Stack - 1/3
 Les Marks - 1/3
 Cynthia M. Salley - 1/3
 Frederick C. Schattauer & wife
 Alice S. - 7/16 - 1/6

NOTE: Name of KAUAHAKO is
 correct, as per Survey Dept.
 & Land Office data.

Parcels Dropped: 37, 39, 22, 23, 24, 25, 28

THIRD DIVISION		
ZONE	SEC.	PLAT
8	6	13
CONTAINING PARCELS		SCALE: 1 in. = 50 ft.

APPENDIX 1

ADVANCE SHEET
 SUBJECT TO CHANGE

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 2

Site Plan, Floor Plan, Elevations, Landscaping Plan

REVISIONS	BY

PROPOSED RESIDENCE FOR: GREGG, FREDERICK

AT: HOOKENA VILLAGE
HOOKENA, SOUTH KONA

TAX MAP KEY: 8-6-13-9 LOT G

SHEET INDEX

SHEET	TITLE
1	SITE PLAN NOTES
2	FLOOR PLAN DOOR & WINDOW SCHEDULE
3	INTERIOR ELEVATION
4	EXTERIOR ELEVATION
5	BRACE WALL PLAN
6	FOUNDATION PLAN DETAILS
7	SECTIONS
8	ROOF FRAMING
9	REFLECTED CEILING PLAN
10	ELECTRICAL PLAN

STATE OF HAWAII, COUNTY OF HAWAII
 CODES: 2006 IBC, 2008 NEC, 2006 UPC
 OCCUPANCY: R3
 CONSTRUCTION TYPE: VB
 WIND:
 EXPOSURE CATEGORY ZONE:
 TOPOGRAPHIC FACTOR:
 EFFECTIVE WIND SPEED:
 SEISMIC:
 SITE CLASS:
 Ss =
 S1 =
 FIRE SPRINKLERS: NONE
 ROOF LIVE LOAD 20 PSF
 FLOOR LIVE LOAD 40 psf

THE PLAN DRAWINGS AND FINAL CONFIGURATION OF THE STRUCTURE ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR/OWNER. THE DESIGNER/DRAFTSMAN HAS BEEN EMPLOYED TO PROVIDE A BASIC ARCHITECTURAL PLAN WITHOUT COMPLETE SPECIFICATIONS. THERE SHALL BE NO ARCHITECTURAL SUPERVISION OF ANY BUILDING FROM THE PLANS AND THE DESIGNER/DRAFTSMAN IS IN NO WAY RESPONSIBLE OR THE QUALITY OF MATERIALS OR WORKMANSHIP PROVIDED BY ANY CONTRACTOR OR SUB-CONTRACTOR INVOLVED IN SAID CONSTRUCTION.

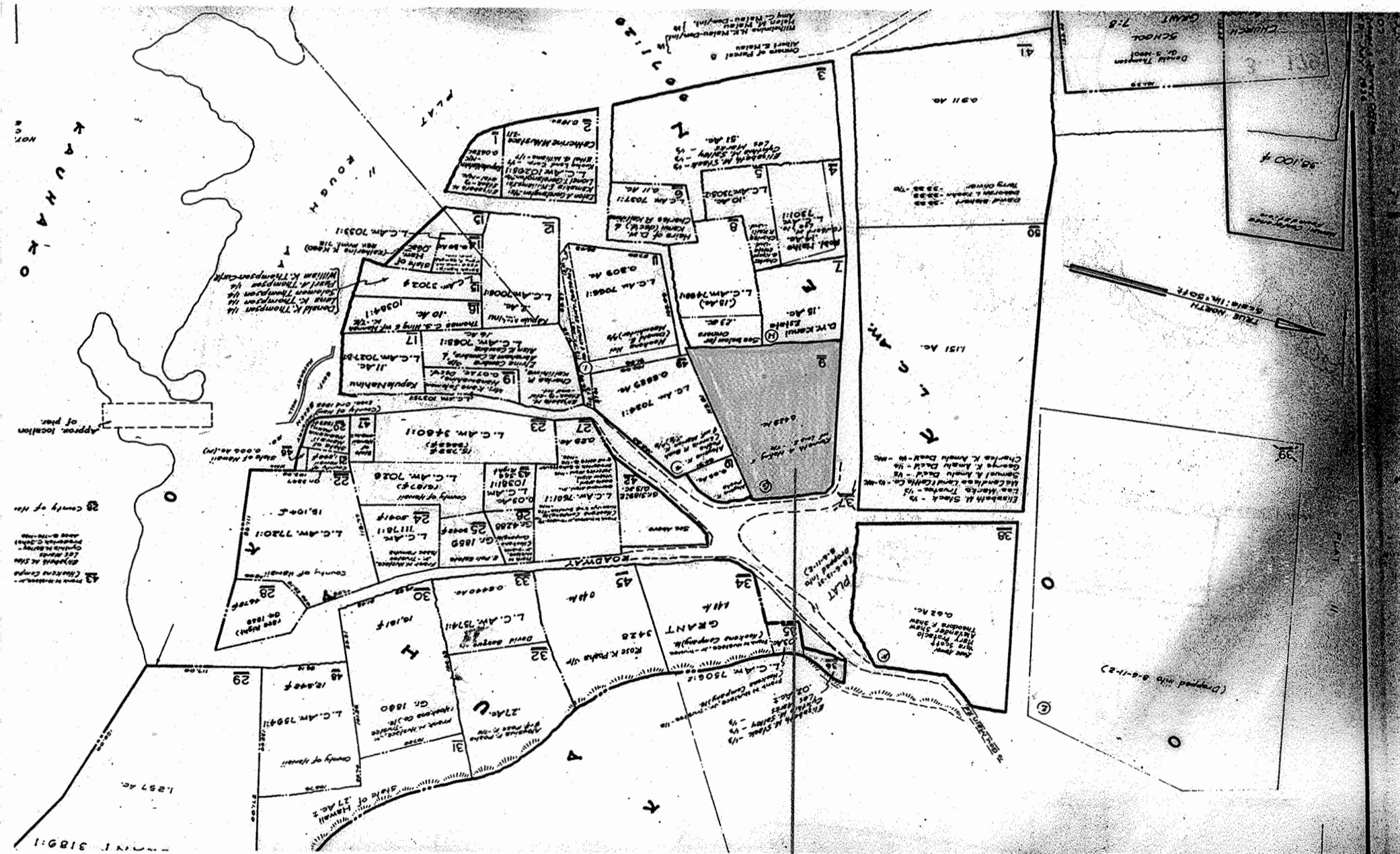
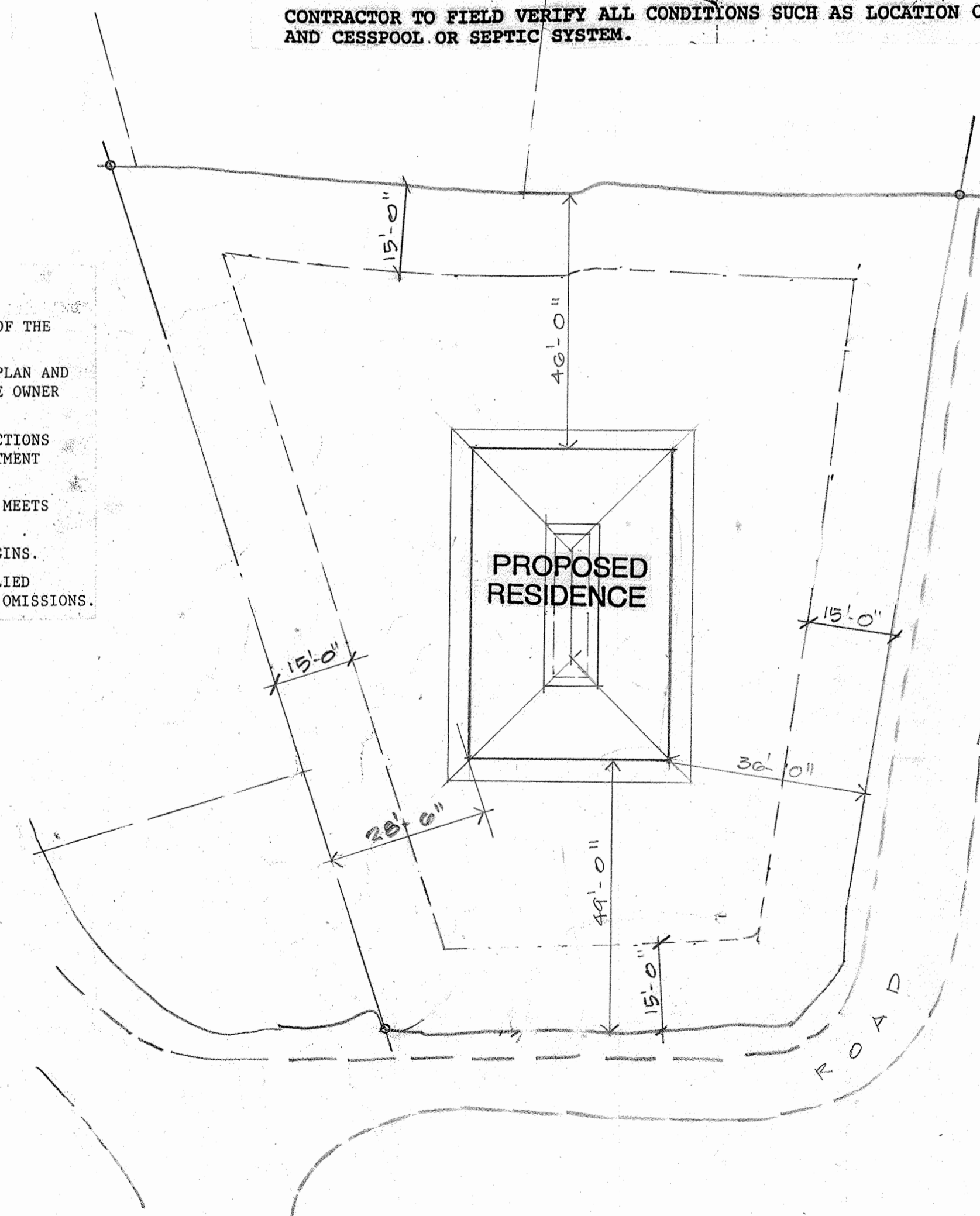
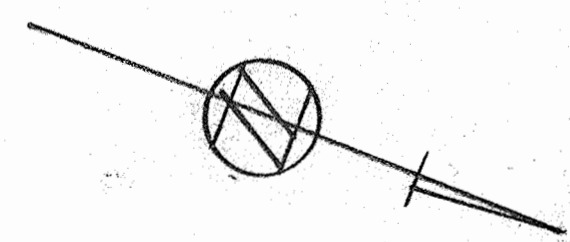
CONTRACTOR TO FIELD VERIFY ALL CONDITIONS SUCH AS LOCATION OF DWELLING AND CESSPOOL OR SEPTIC SYSTEM.

GENERAL NOTES:

- IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONSTRUCT THIS WITH STRICT ACCORDANCE TO RULES AND REGULATIONS OF THE UNIFORM BUILDING CODE OF THE COUNTY OF HAWAII AND OF THE U.B.C. EDITION.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, CONDITIONS AND DETAILS OF THE PLAN AND THE SITE BEFORE STARTING JOB. WHEN IN DOUBT, THE CONTRACTOR SHALL CONTACT THE OWNER OR DRAFTSMAN FOR ANY CLARIFICATION BEFORE PROJECT BEGINS.
- THE OWNER SHALL BE RESPONSIBLE FOR ALL EXTRA COSTS DUE TO CHANGES OR CORRECTIONS MADE BY THE COUNTY BUILDING DEPARTMENT, PLANNING DEPARTMENT, ELECTRICAL DEPARTMENT AND PLUMBING DEPARTMENT AFTER THE PLAN HAS BEEN COMPLETED.
- THE OWNER SHALL BE RESPONSIBLE TO SEE THAT THE PLAN DRAWN FOR THE PROJECT, MEETS ALL SUBDIVISION REQUIREMENTS AS STATED IN SUBDIVISION CONVENANTS.
- THE CONTRACTOR IS REQUIRED TO CONTACT THE DRAFTSMAN BEFORE THE PROJECT BEGINS.
- OMISSION OF ANY ITEM ON PLANS TO BE SPECIFIED IN SPECIFICATION SHEETS SUPPLIED BY EITHER THE OWNER OR CONTRACTOR. DRAFTSMAN WILL NOT BE RESPONSIBLE FOR ANY OMISSIONS.

SITE PLAN

SC: 1" = 20 FT.



SITE

LOCATION MAP

APPENDIX 2

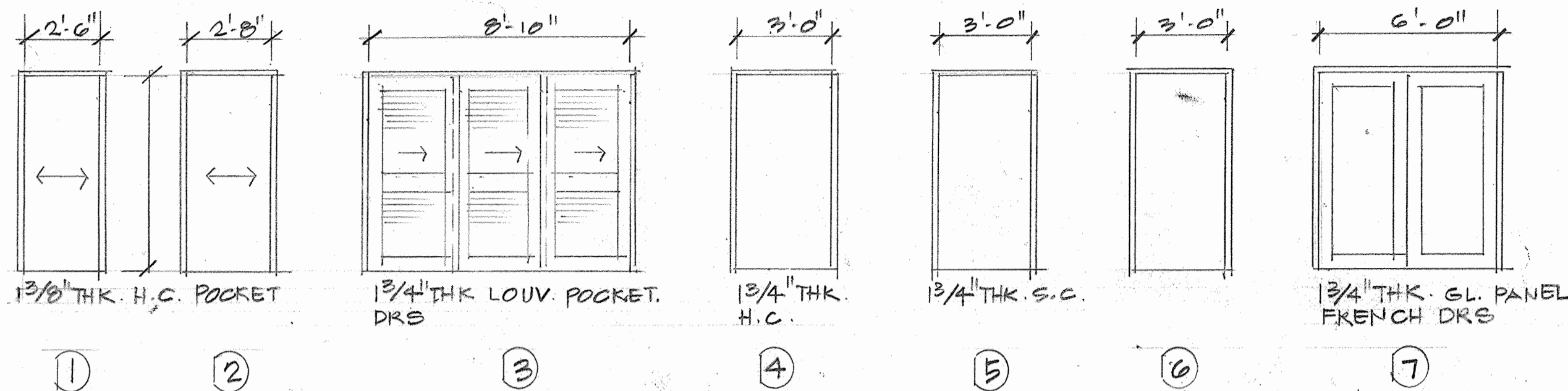
GREGG, FREDERICK

SITE PLAN

Date	12-18-17
Scale	AS NOTED
Drawn	DMN
Job	
Sheet	1
Of 10	Sheets

KICK GREGG

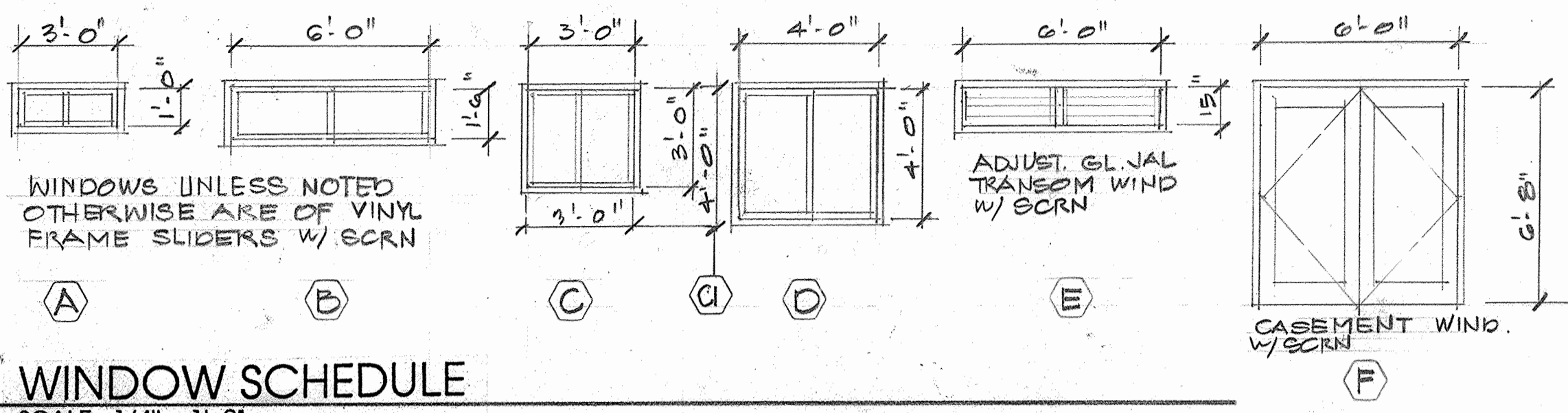
REVISIONS	BY



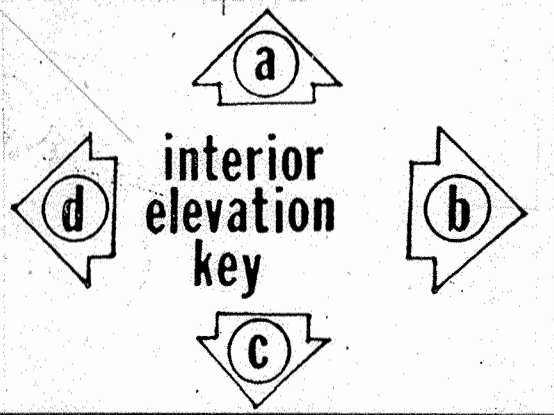
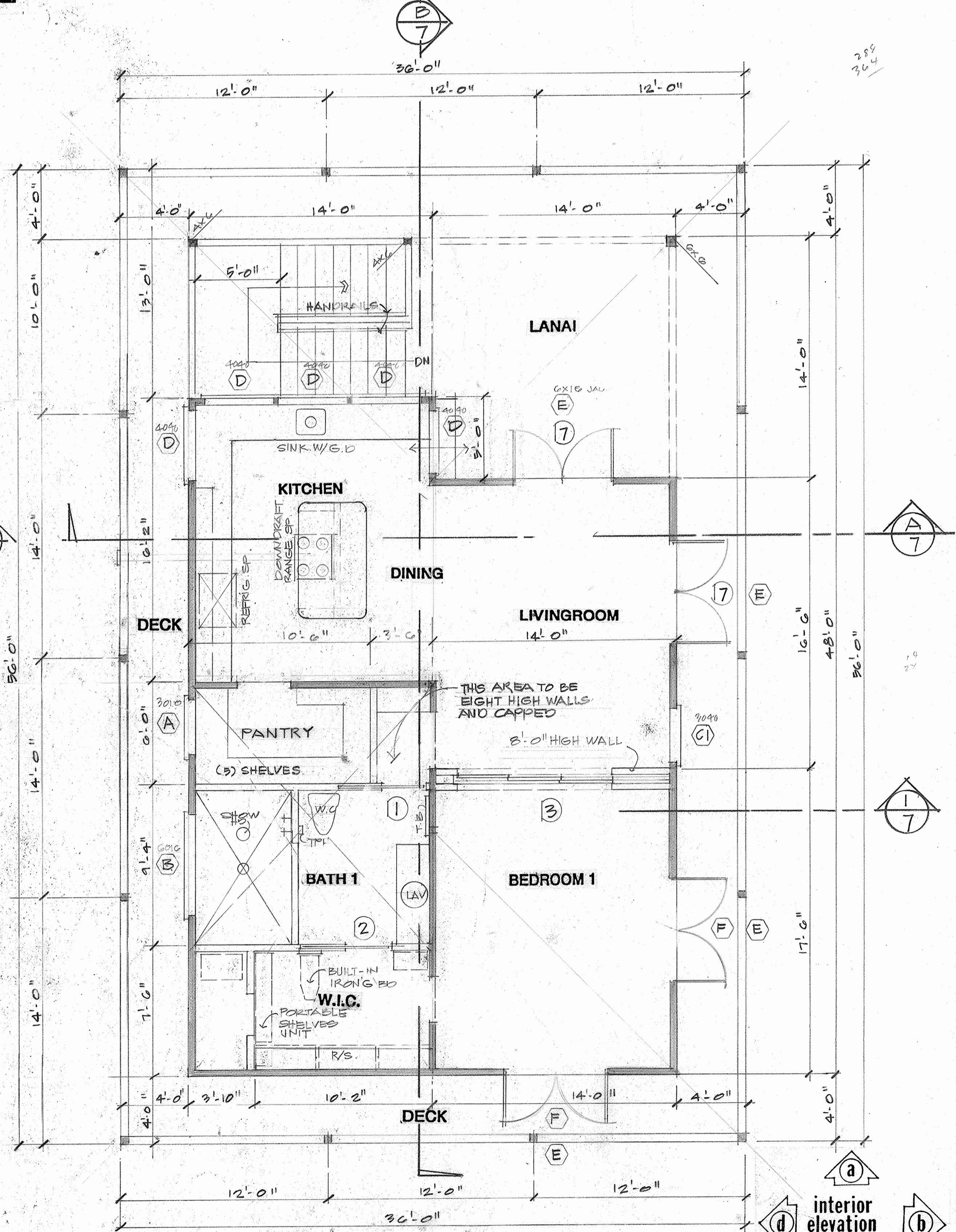
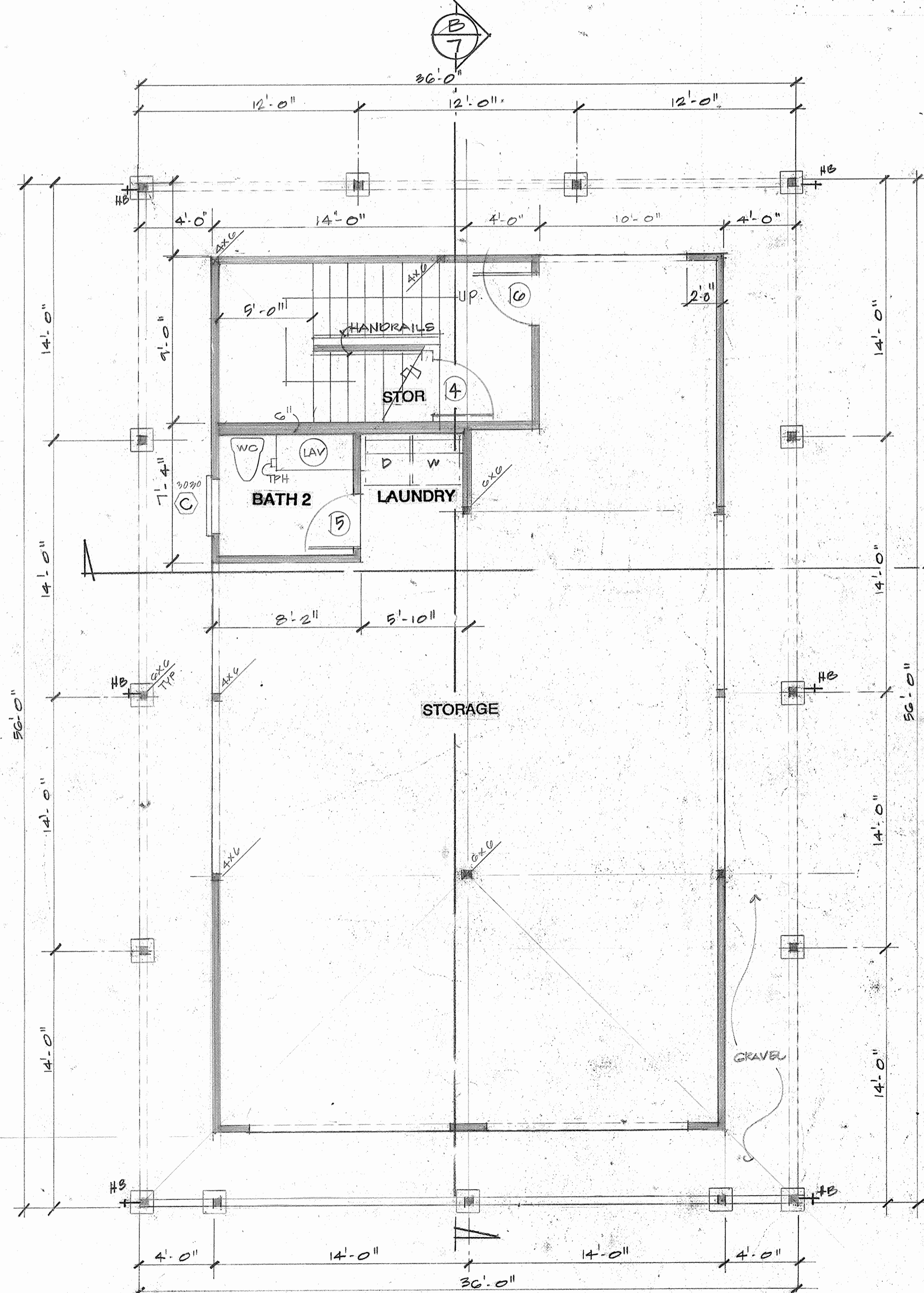
DOOR SCHEDULE
SCALE: 1/4" = 1'-0"

AREA TABULATION
(square feet)

LIVING AREA.....	UPPER LEVEL	1,022.9.F
	LOWER LEVEL	672.9.F
total major area.....		1,695.8.F
GARAGE AREA.....		196.9.F
LANAI AREA.....		196.9.F
DECK AREA.....		672.9.F
OTHER ACCESSORY AREA.....		1,314.9.F
total accessory area.....		2,212.5.F
TOTAL LIV. AREA		1,022.9.F
TOTAL ACC. AREA		2,212.5.F
GRAND TOTAL AREA		3,235.4.F



WINDOW SCHEDULE
SCALE: 1/4" = 1'-0"

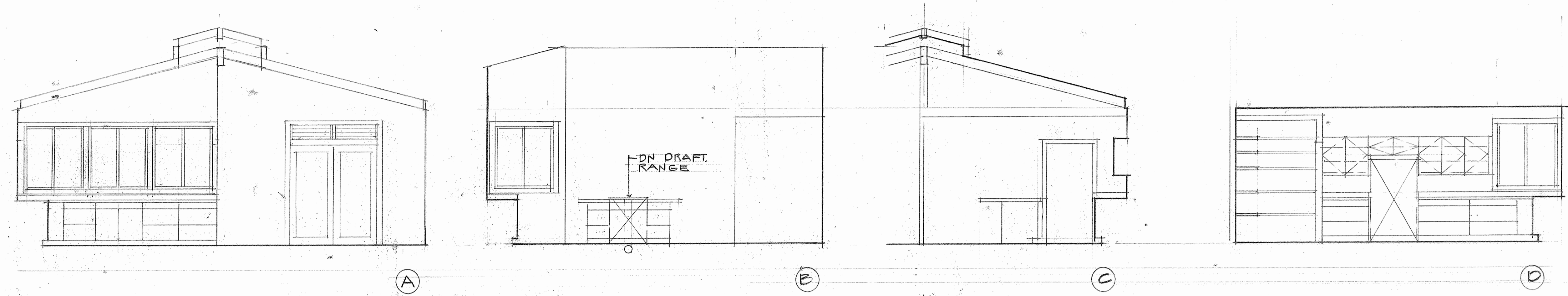


GREGG, FREDERICK

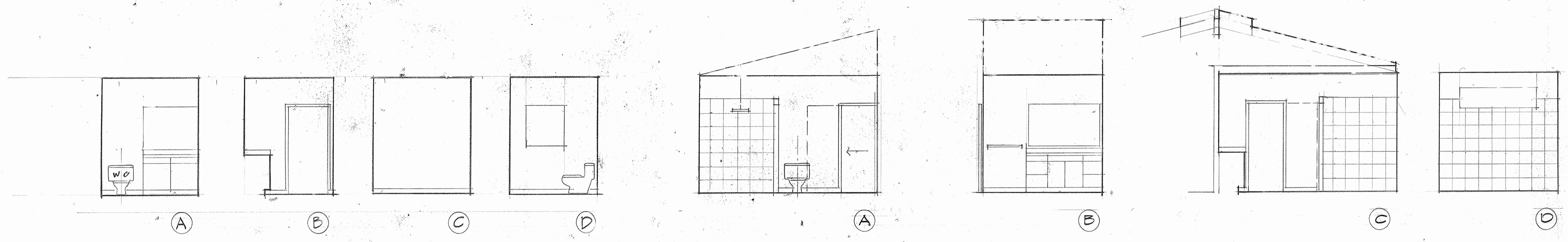
FLOOR PLAN
DOOR & WINDOW SCHEDULE

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Sheet	2
Of 10 Sheets	

REVISIONS	BY



KITCHEN ELEVATION



POWDER ROOM

BATHROOM ONE ELEVATION

GREGG, FREDERICK

INTERIOR ELEVATION

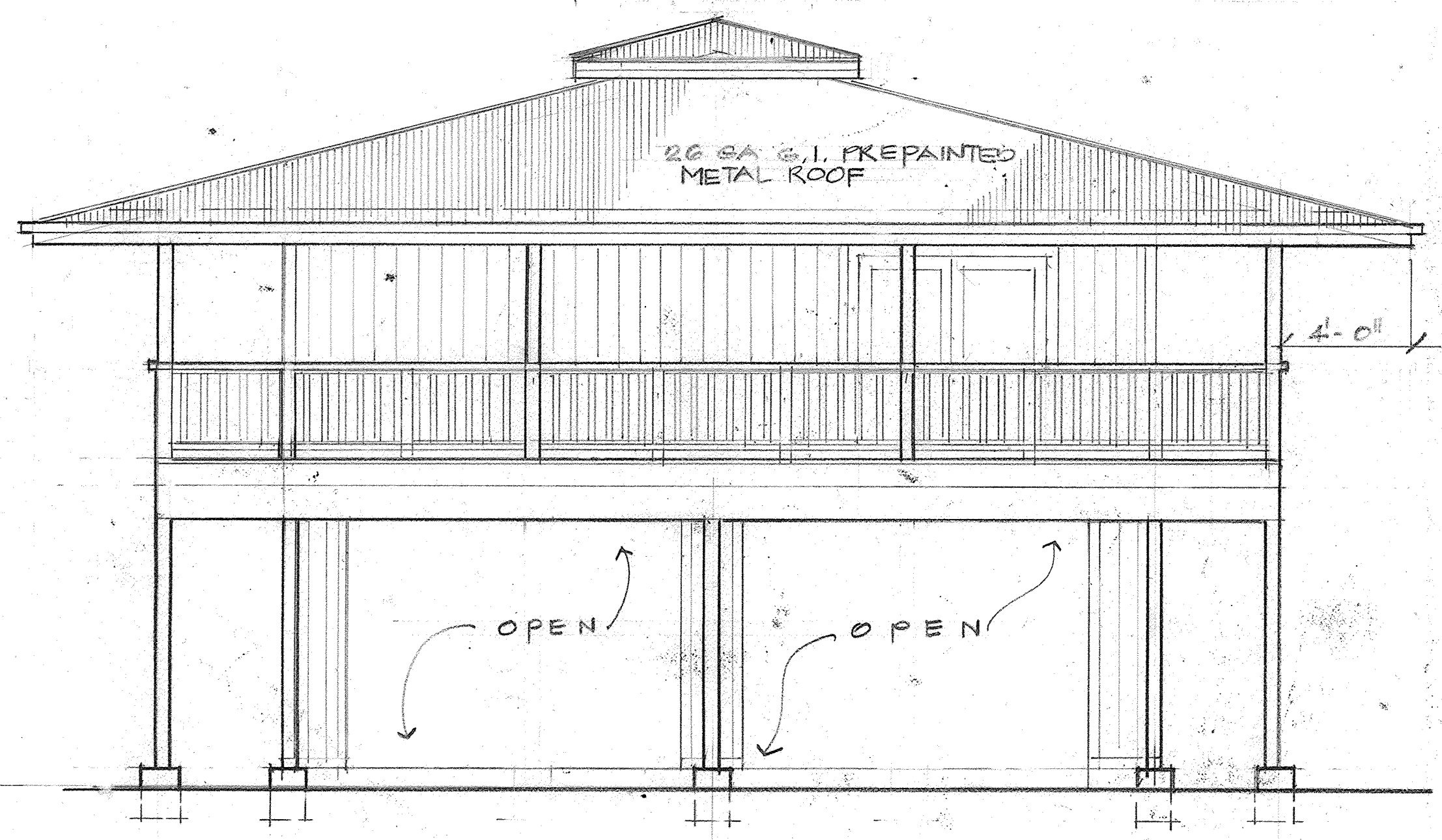
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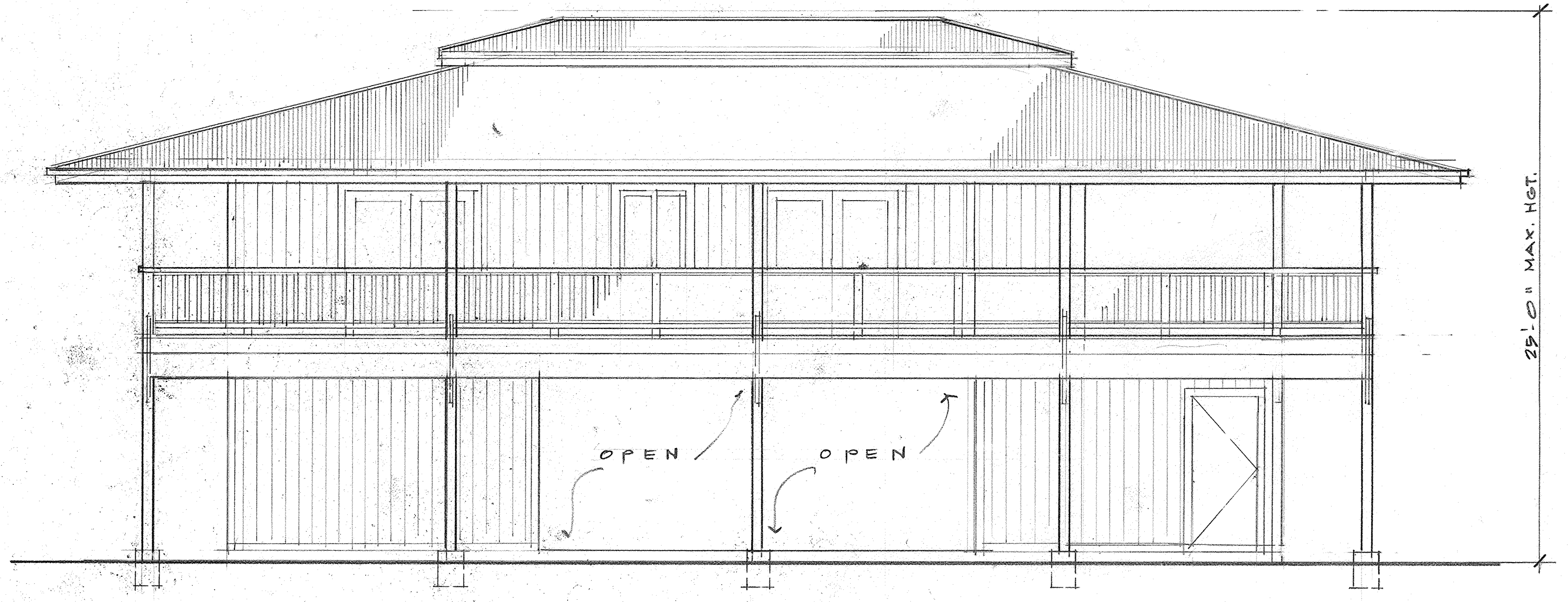
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Of 10 Sheets

REVISIONS	BY



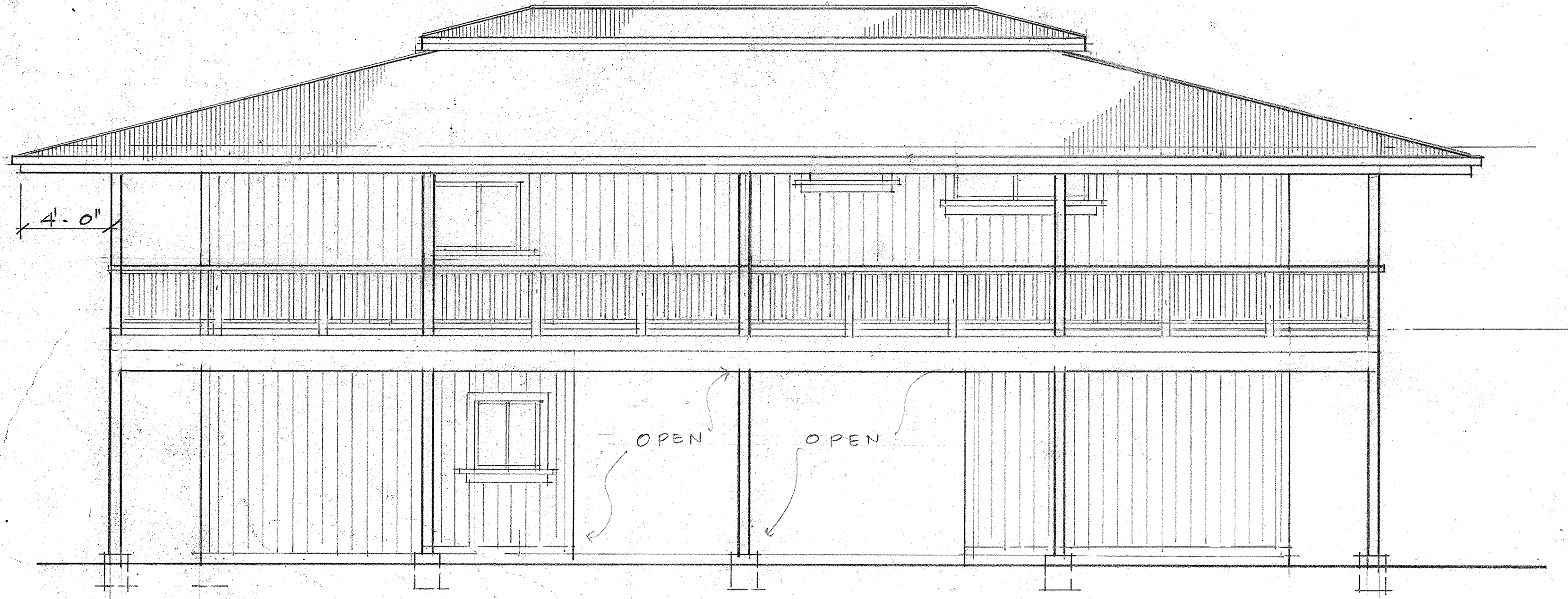
EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"



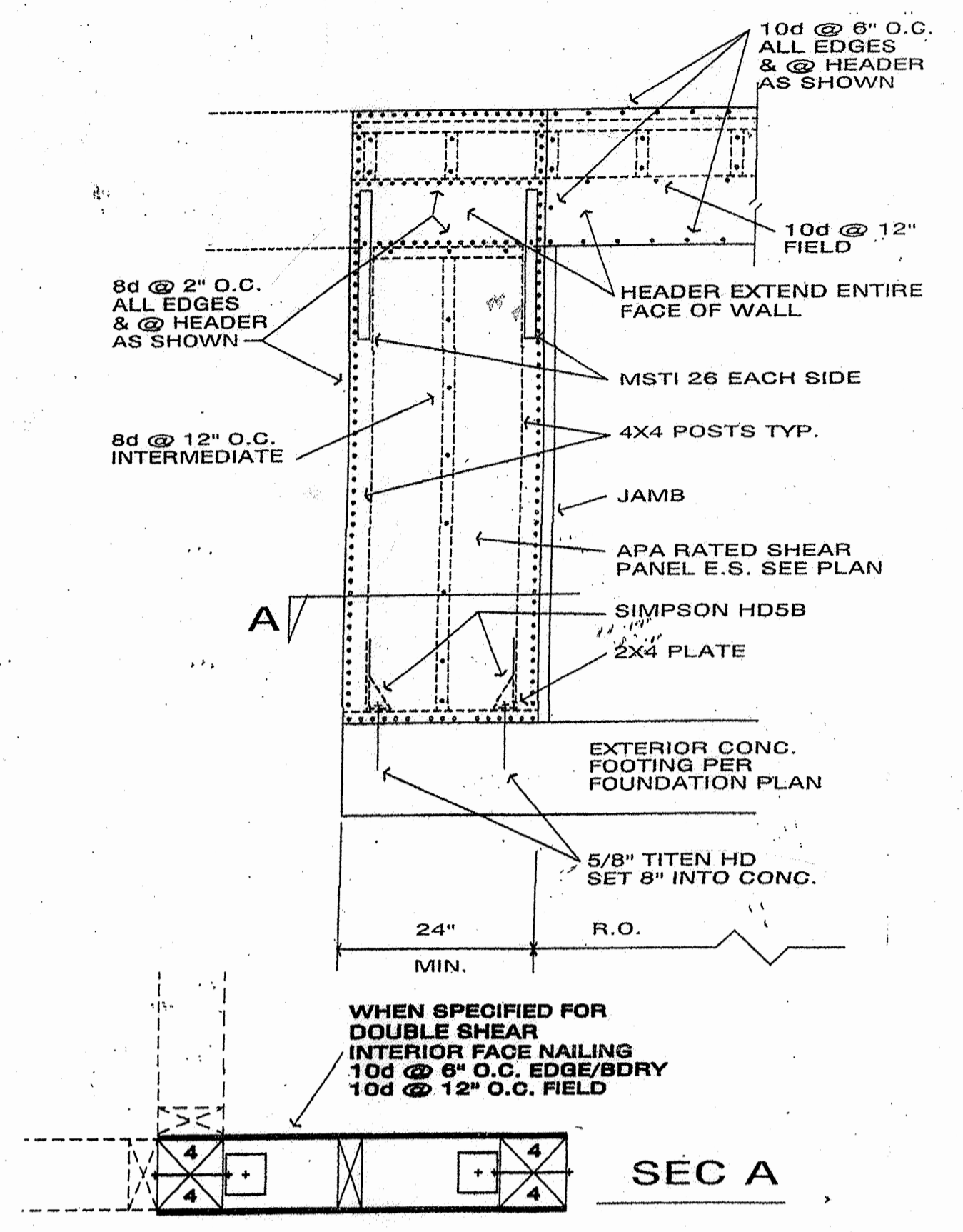
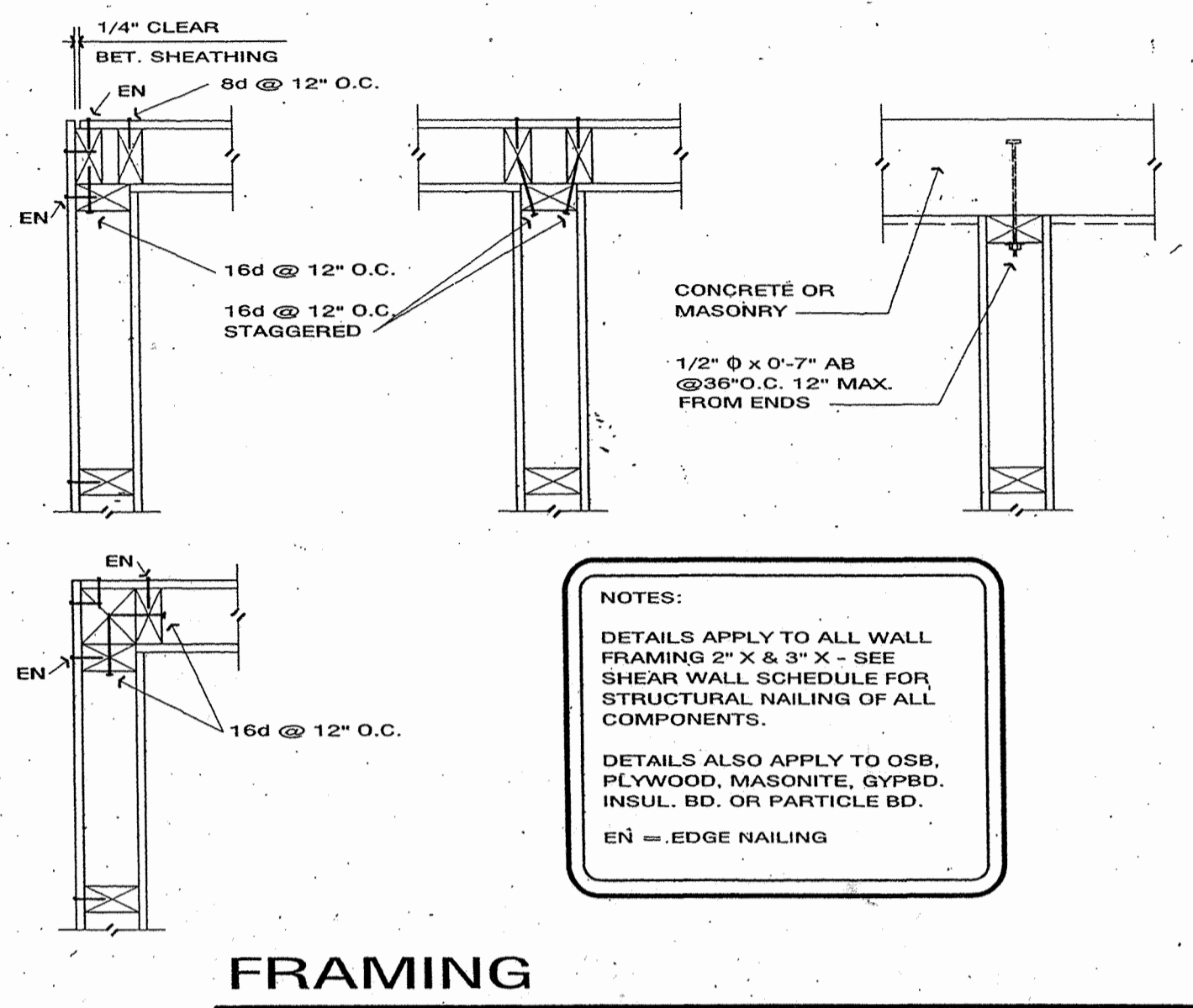
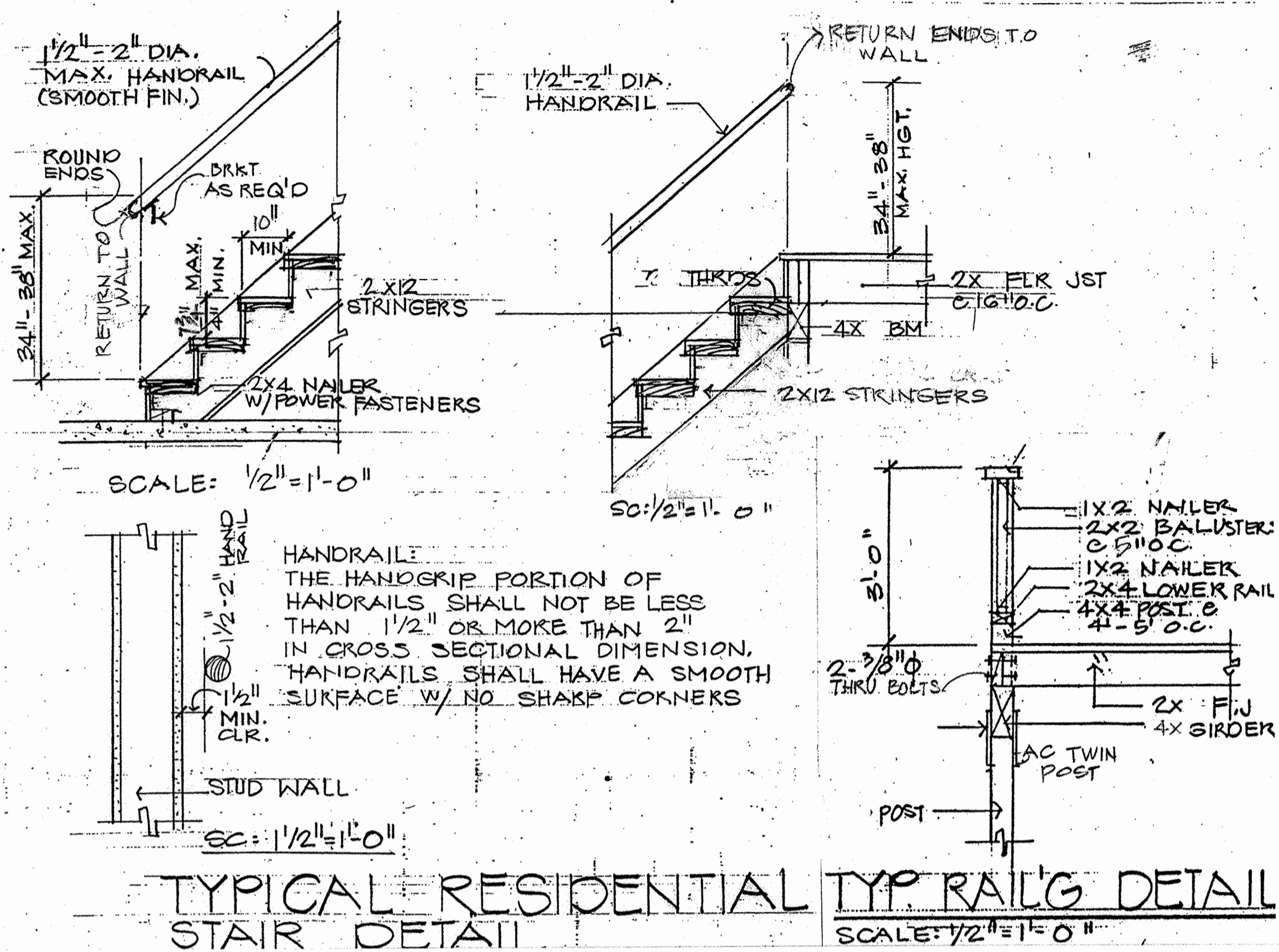
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

GREGG, FREDERICK

EXTERIOR ELEVATION

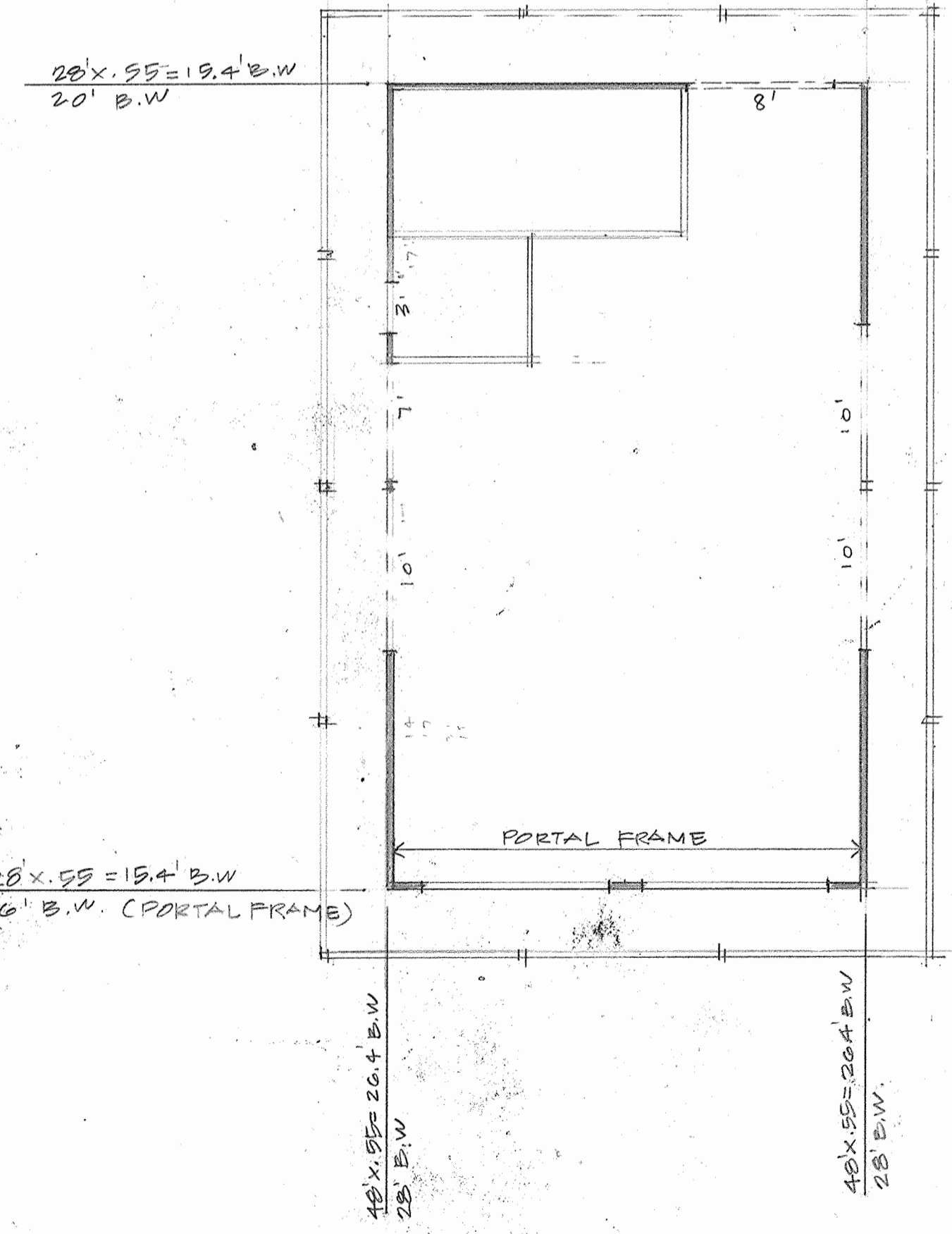
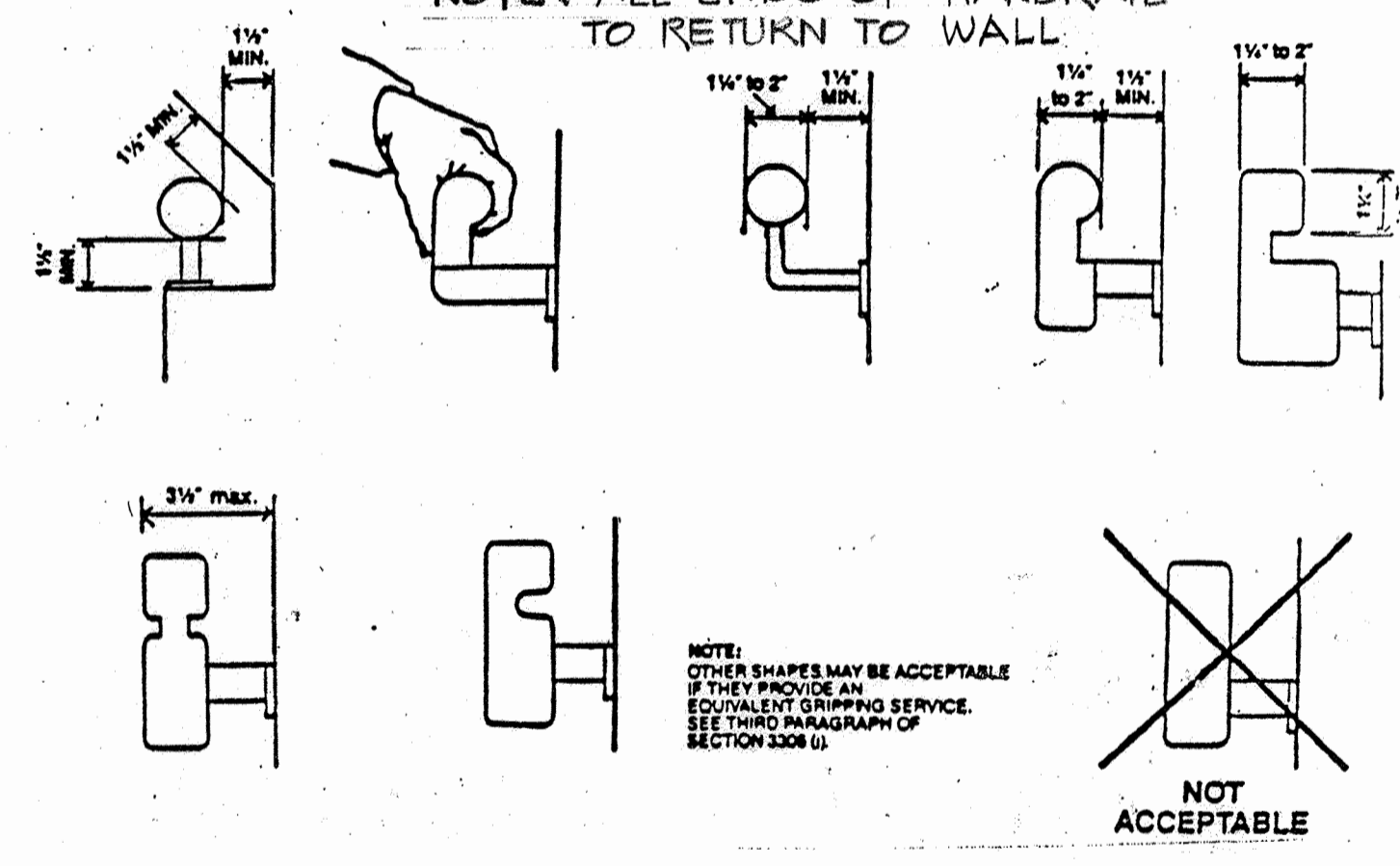
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Of 10 Sheets	

REVISIONS	BY



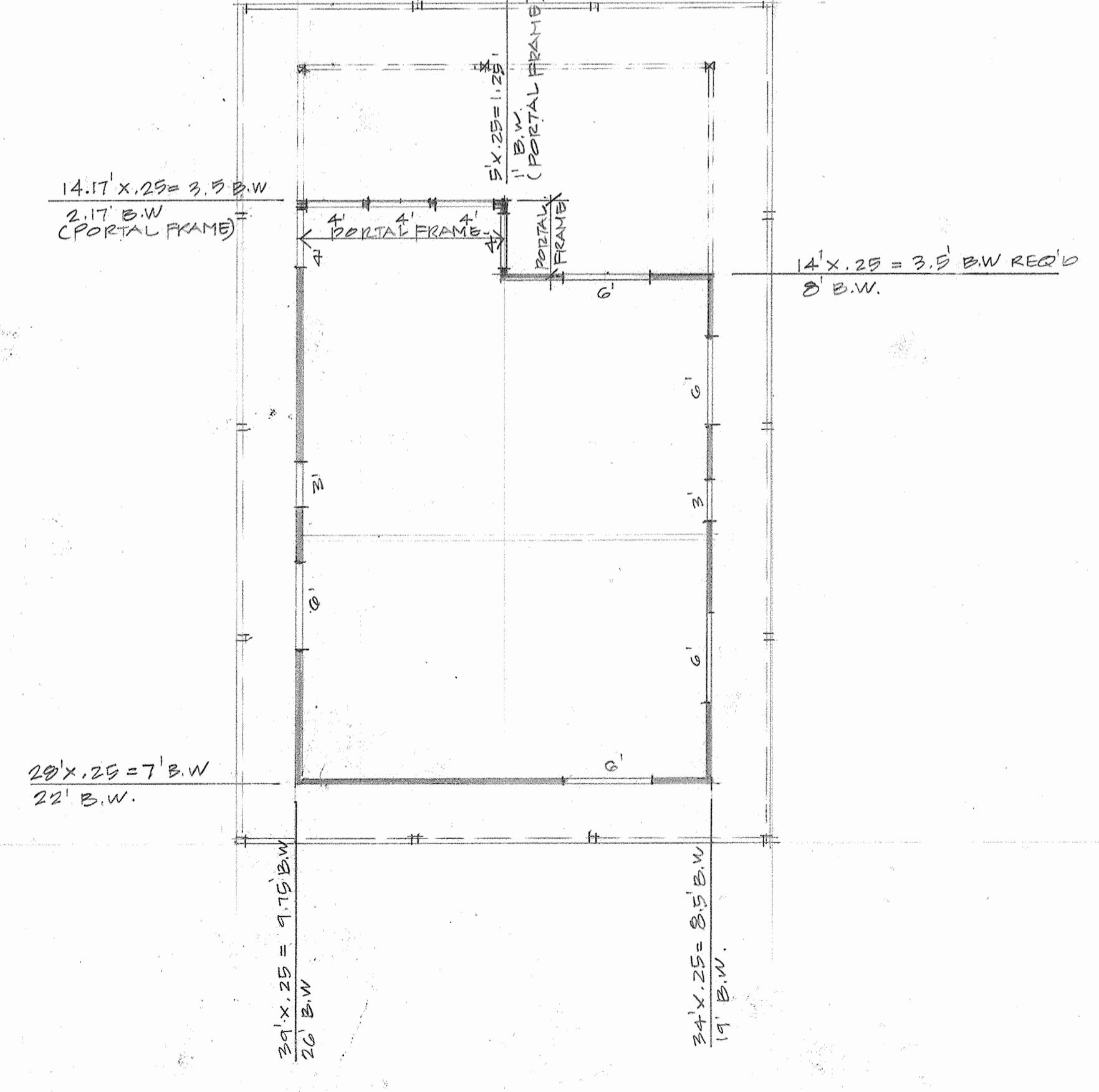
ACCEPTABLE HANDRAIL DETAILS (Section 3306 (1))

NOTE: ALL ENDS OF HANDRAIL TO RETURN TO WALL



LOWER LEVEL BRACE WALL PLAN

SCALE: 1/8" = 1'-0"



UPPER LEVEL BRACE WALL PLAN

SCALE: 1/8" = 1'-0"

GREGG, FREDERICK

BRACE WALL PLAN

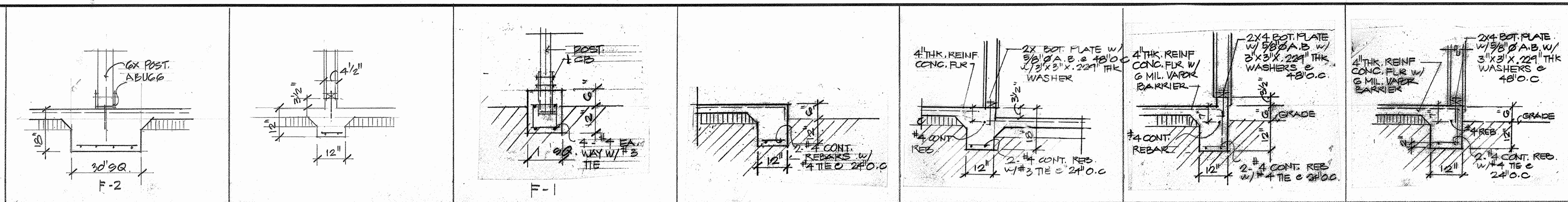
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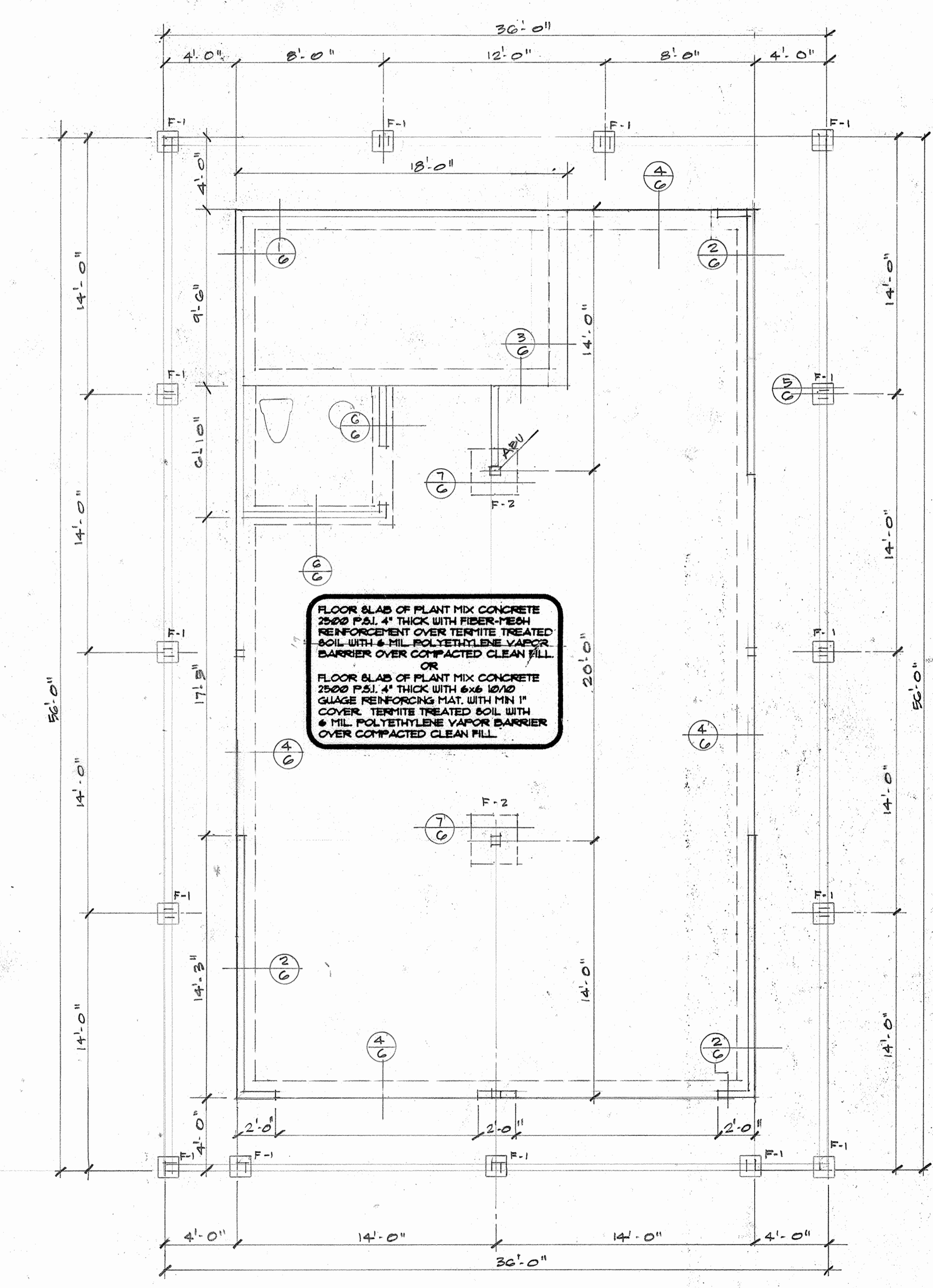
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Job

REVISIONS	BY

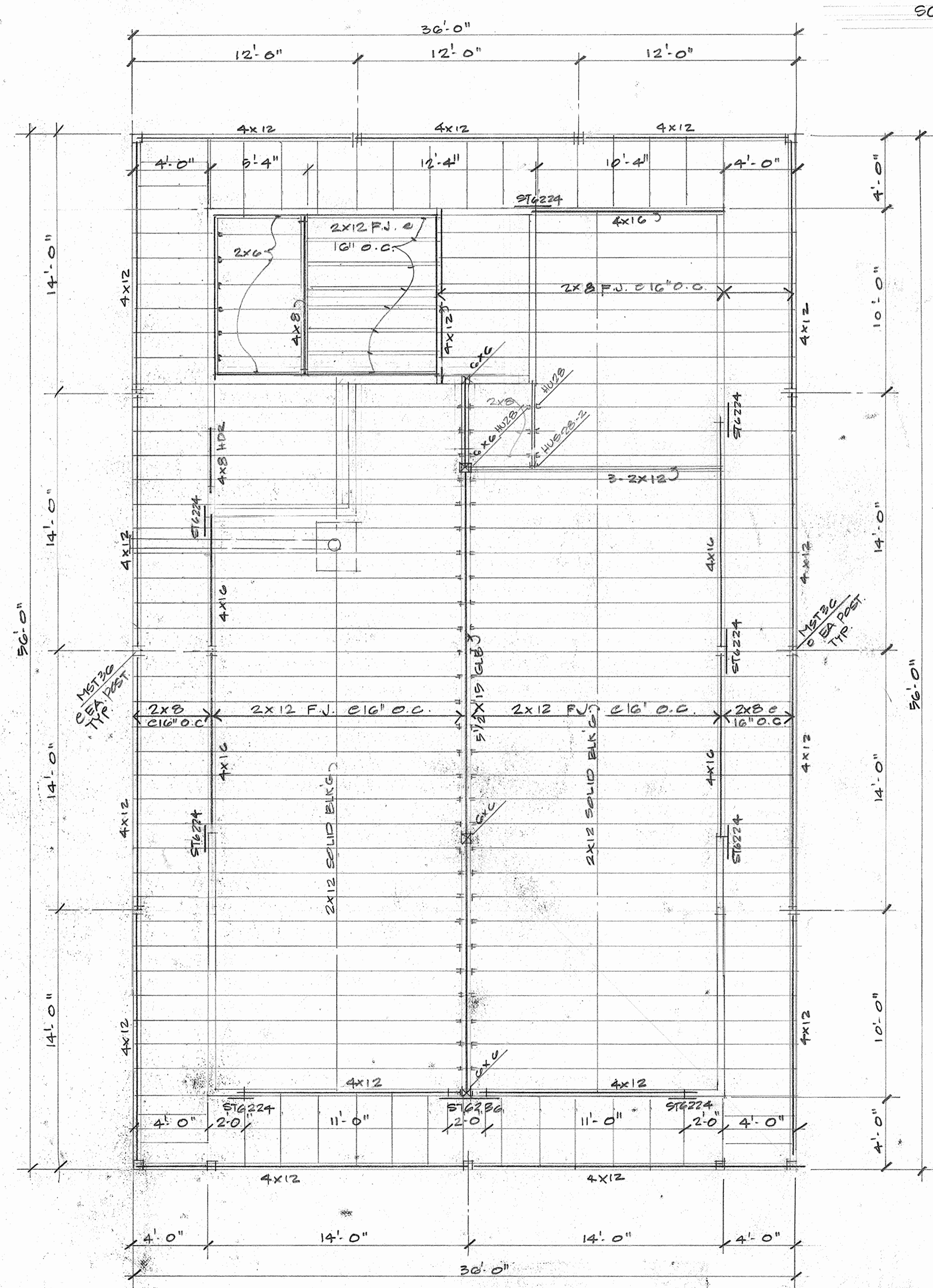


7 SPOT FT'G
 6 INT. CONT. FT'G
 5 SPOT FT'G
 4 EDGE FT'G
 3 STEP FT'G
 2 CURB FT'G
 1 EDGE FT'G



FLOOR SLAB OF PLANT MIX CONCRETE
 2500 P.S.I. 4\"/>

FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



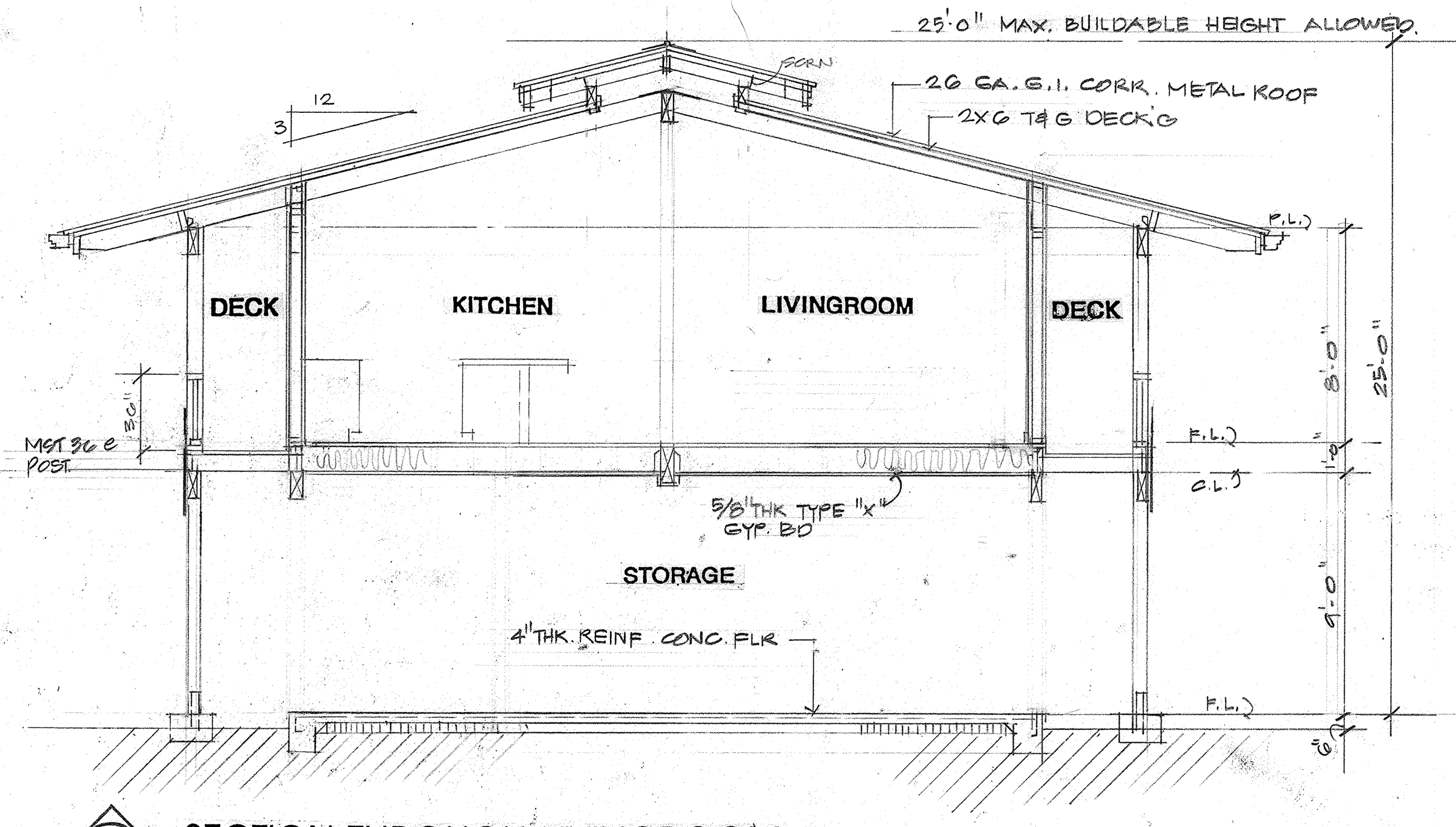
FLOOR FRAMING
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GREGG, FREDERICK

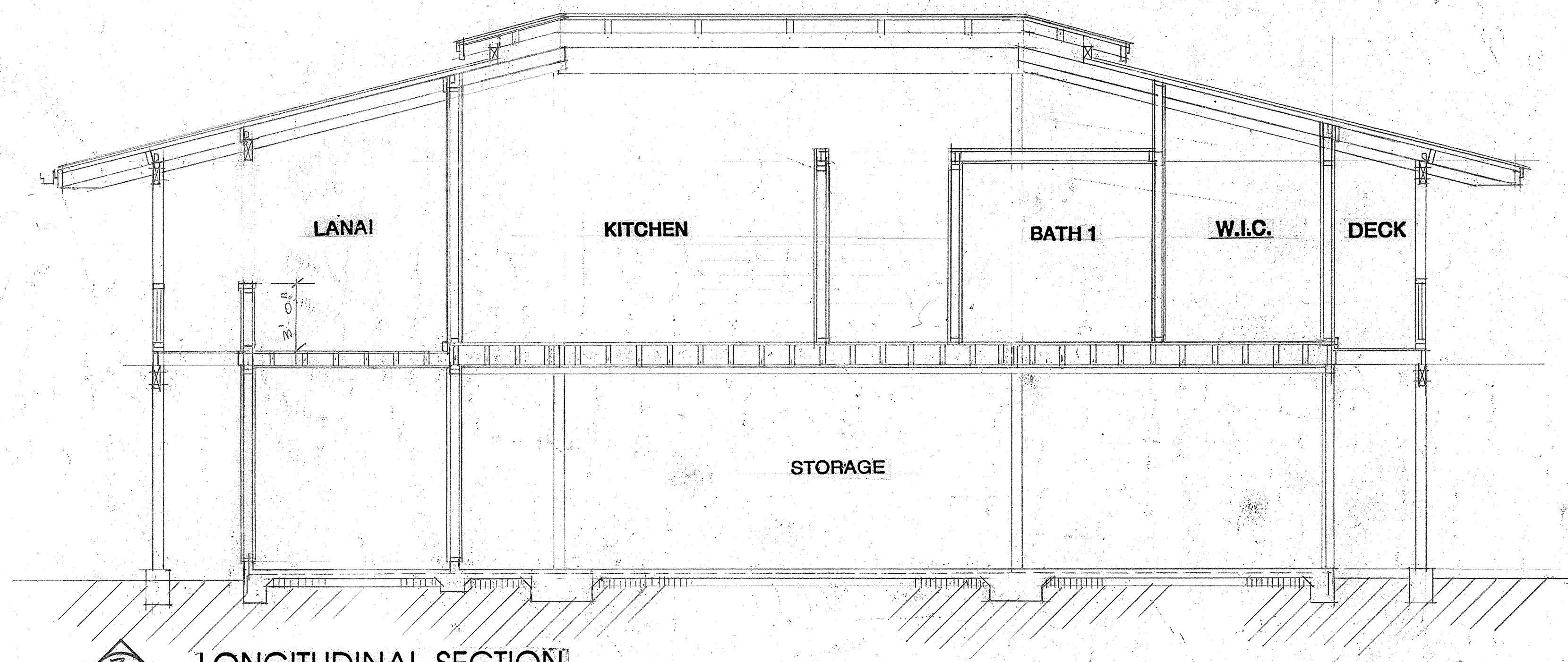
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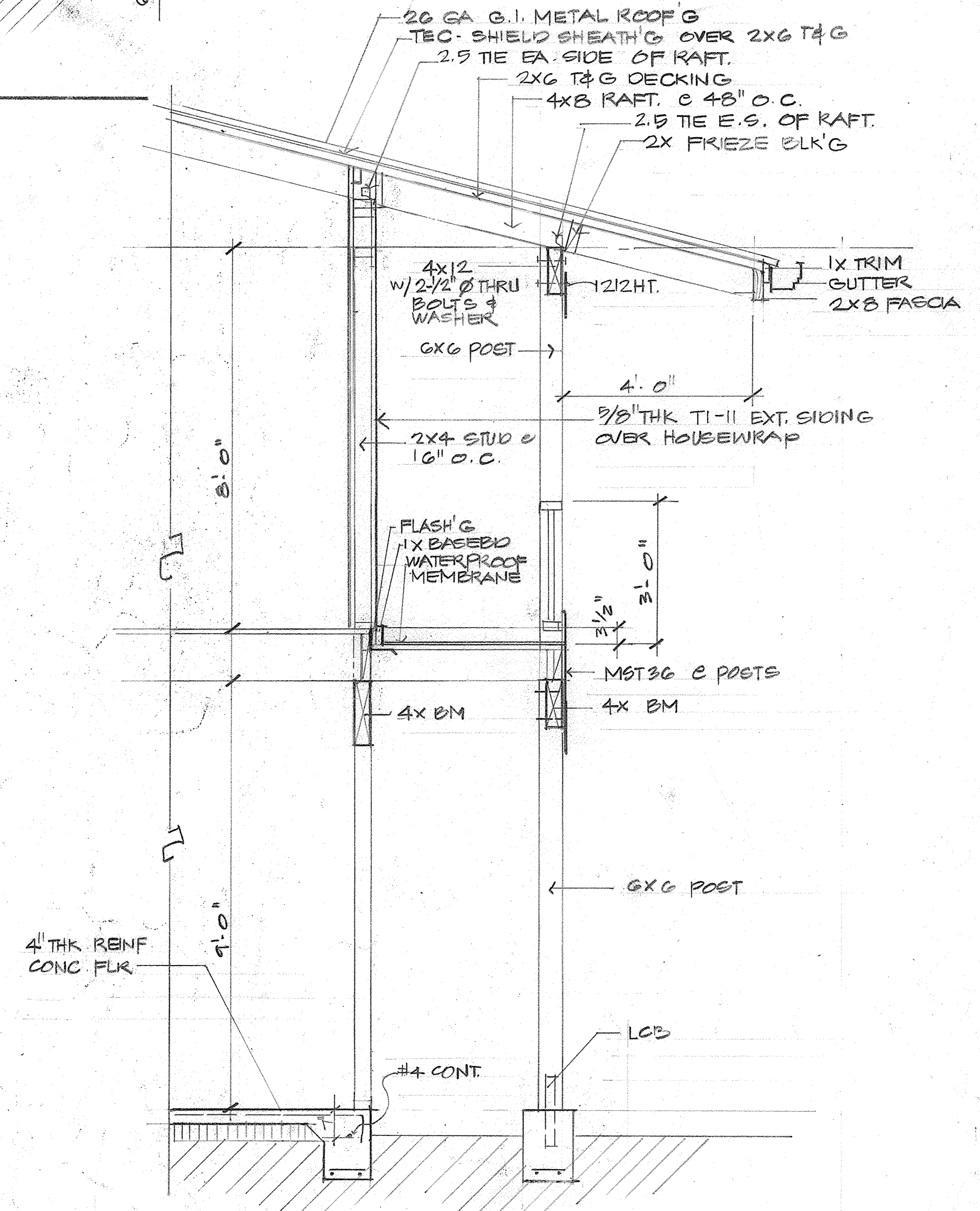
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SECTION THROUGH LIVINGROOM
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LONGITUDINAL SECTION
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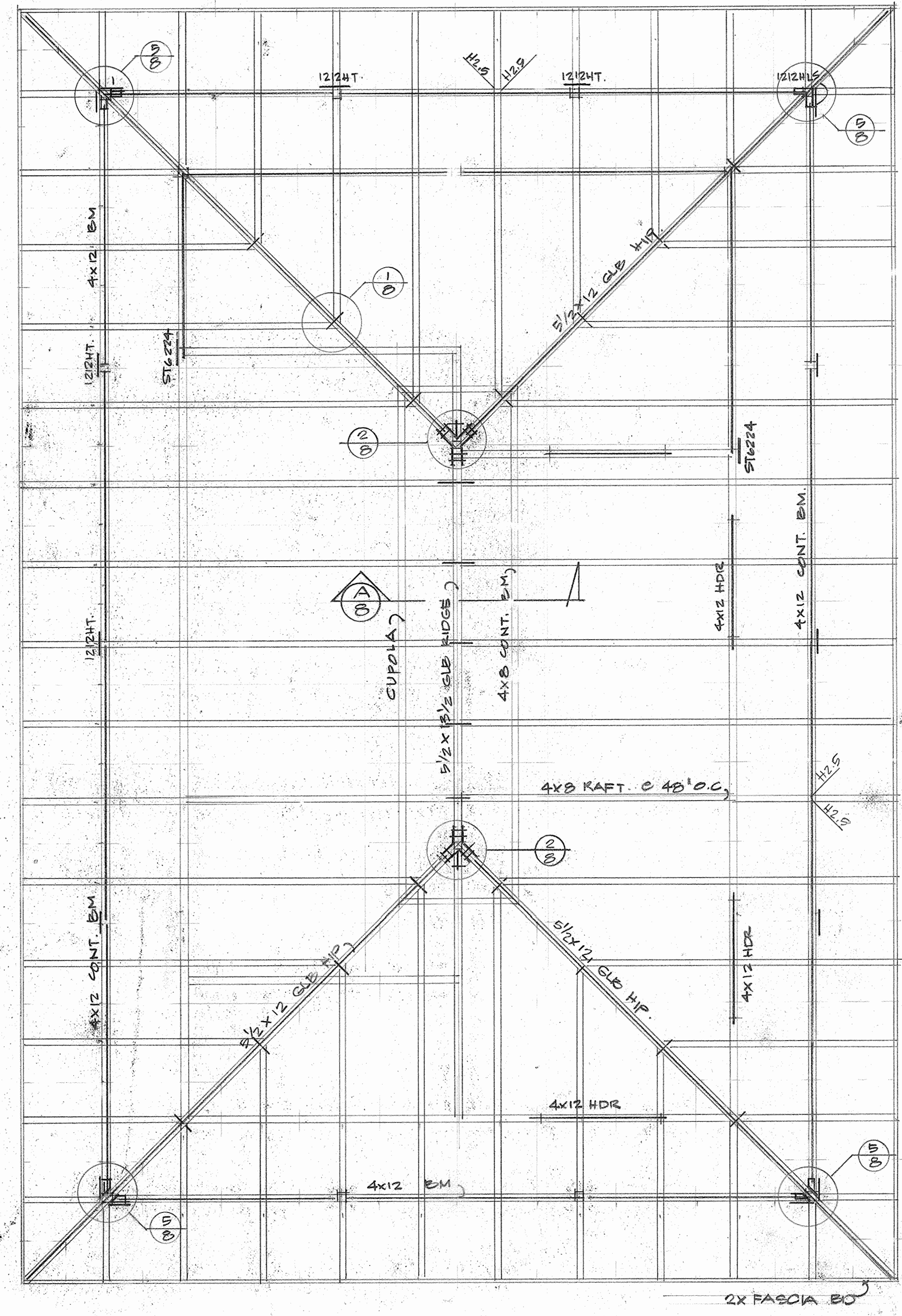
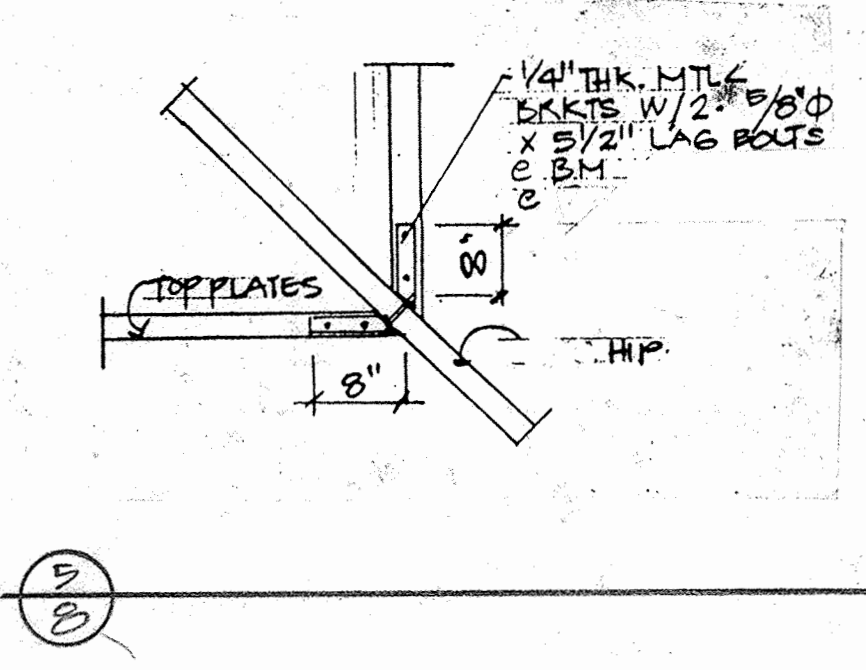
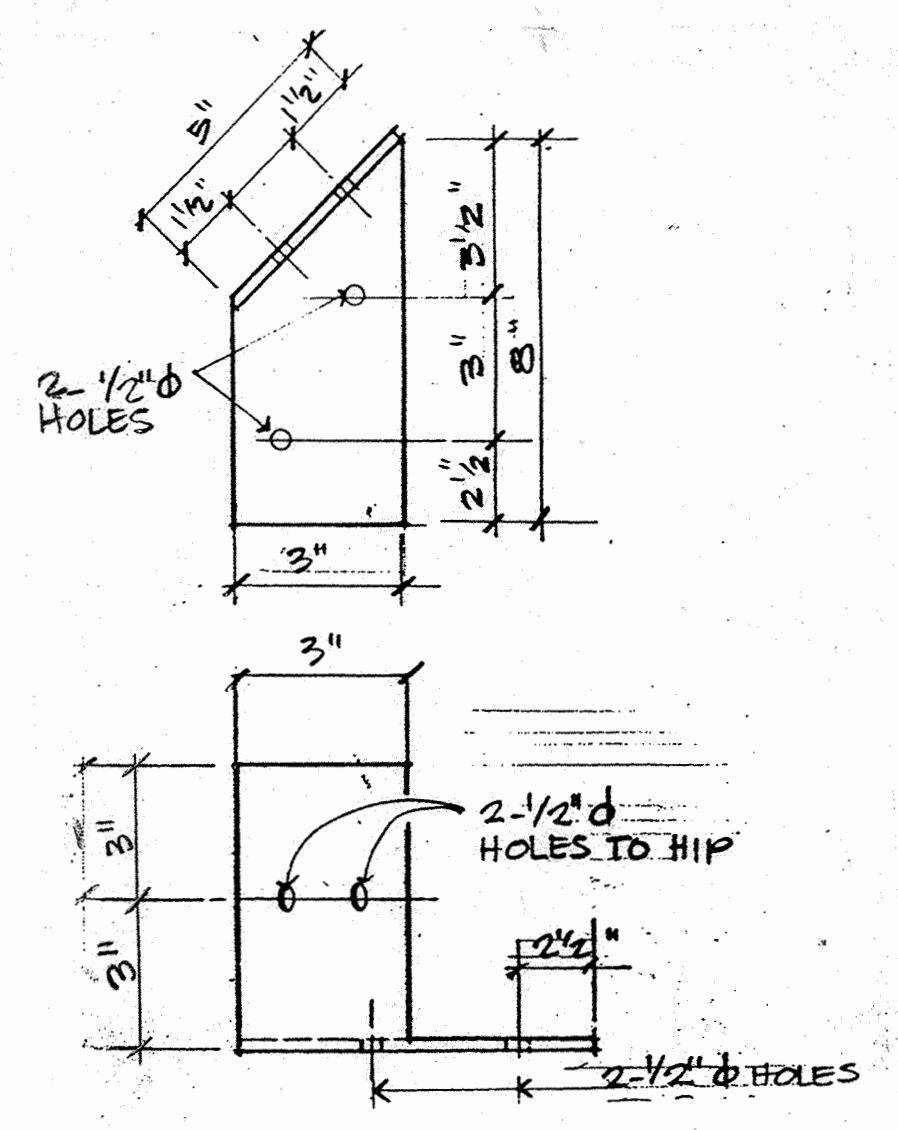
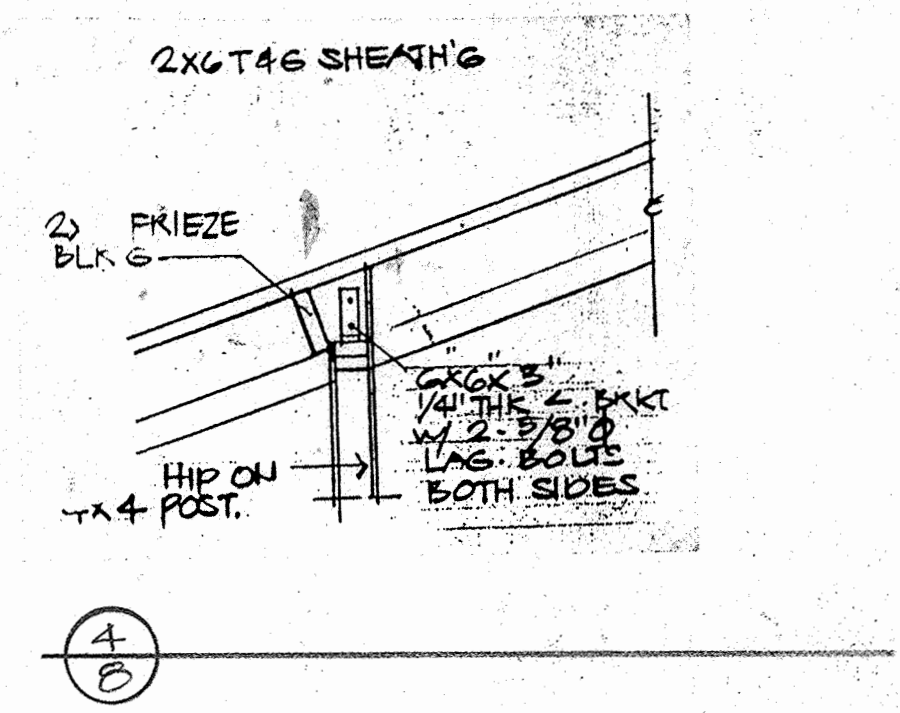
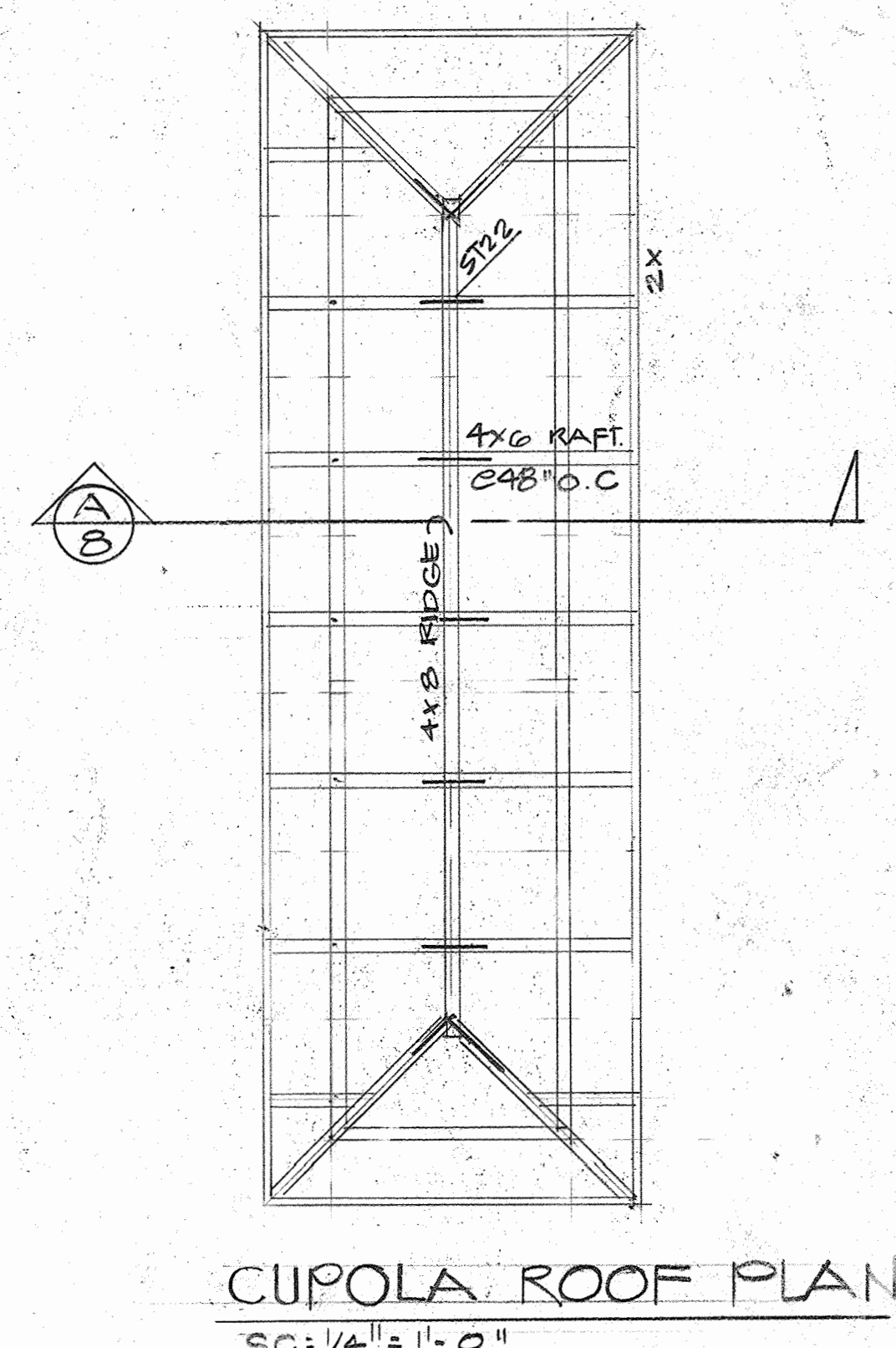
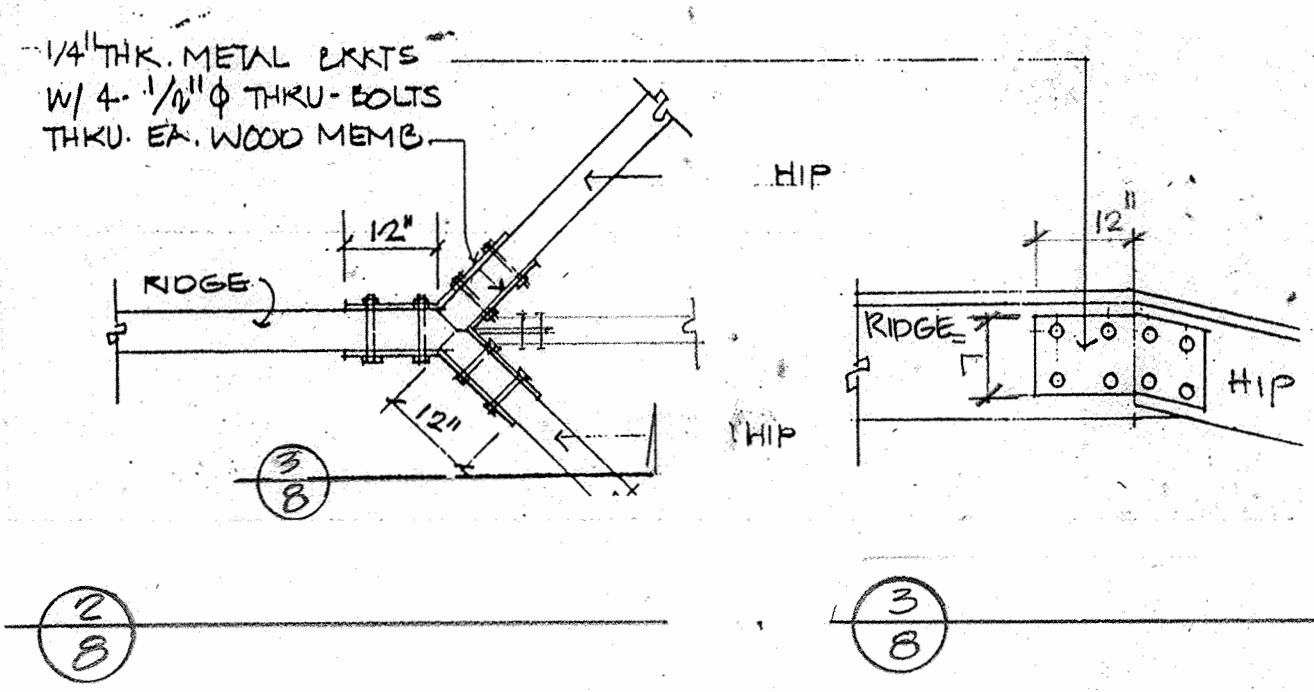
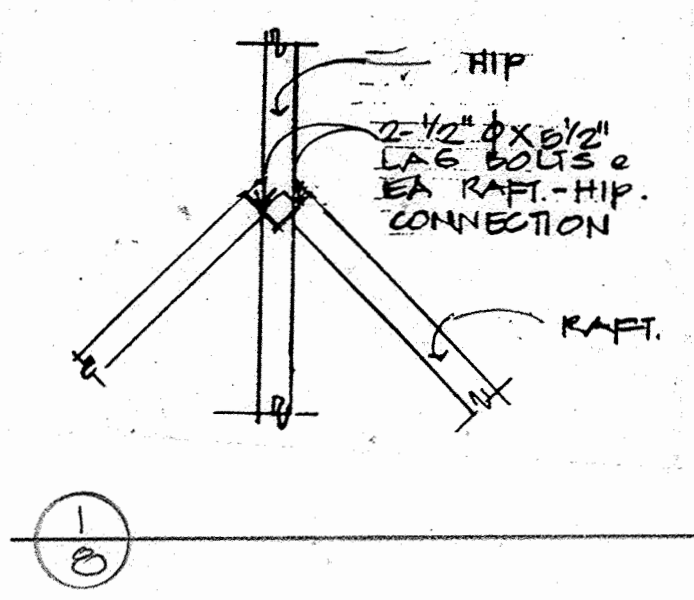
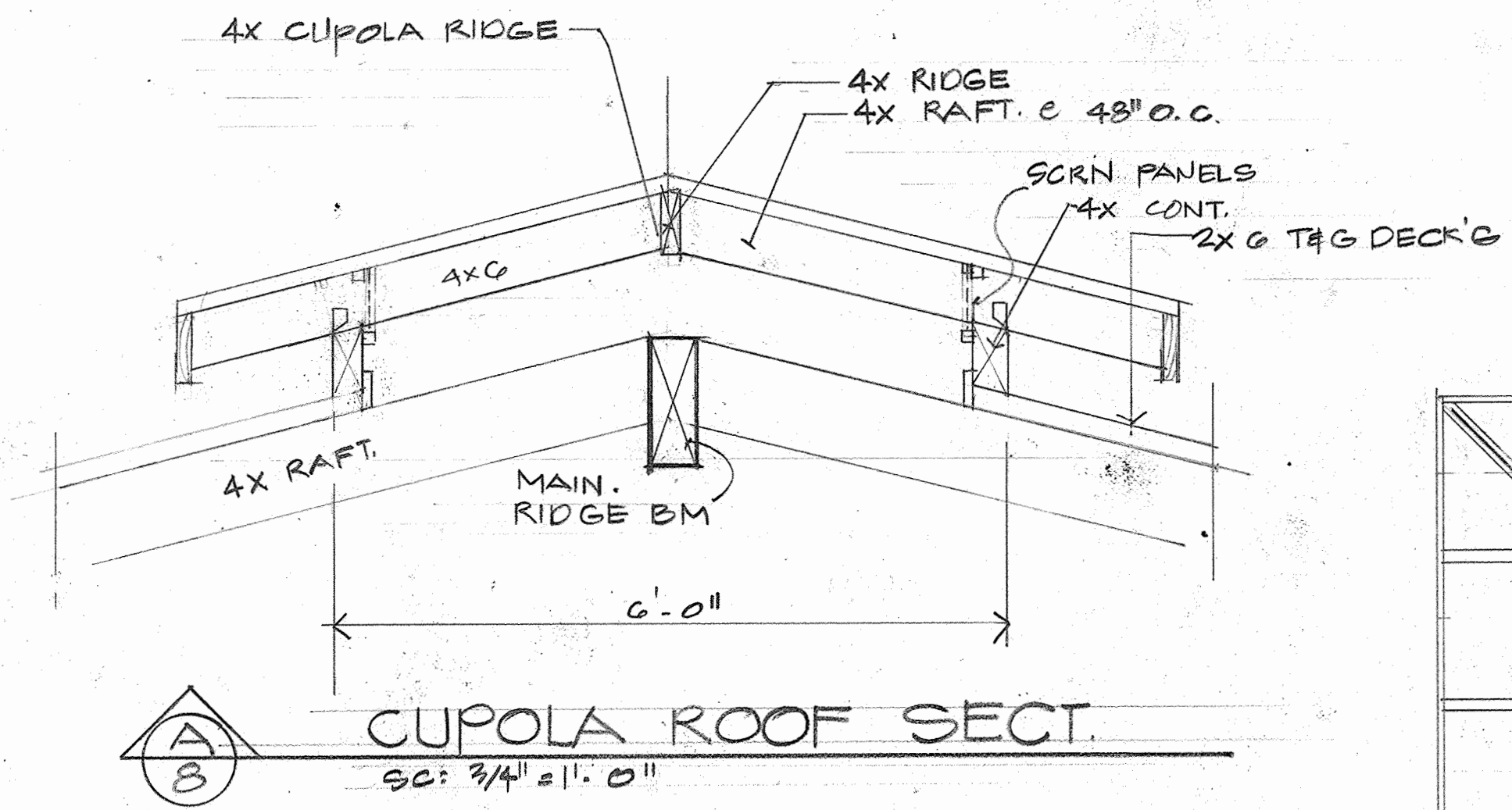
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GREGG, FREDERICK

SECTIONS

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ROOF FRAMING
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GREGG, FREDERICK

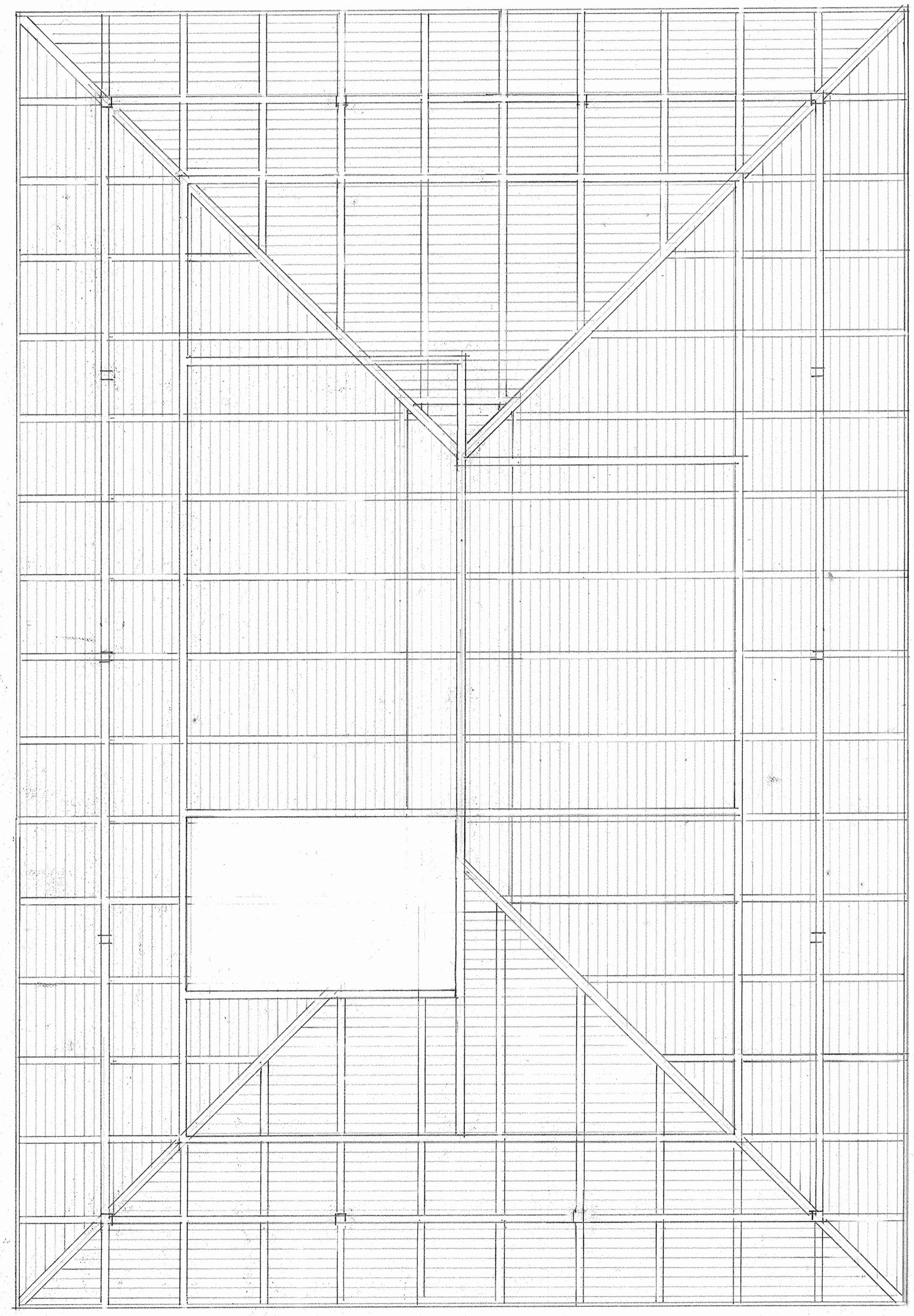
ROOF FRAMING PLAN

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REVISIONS	BY



REFLECTED CEILING PLAN
 SC: 1/4" = 1'-0"

GREGG, FREDERICK

REFLECTED CEILING PLAN

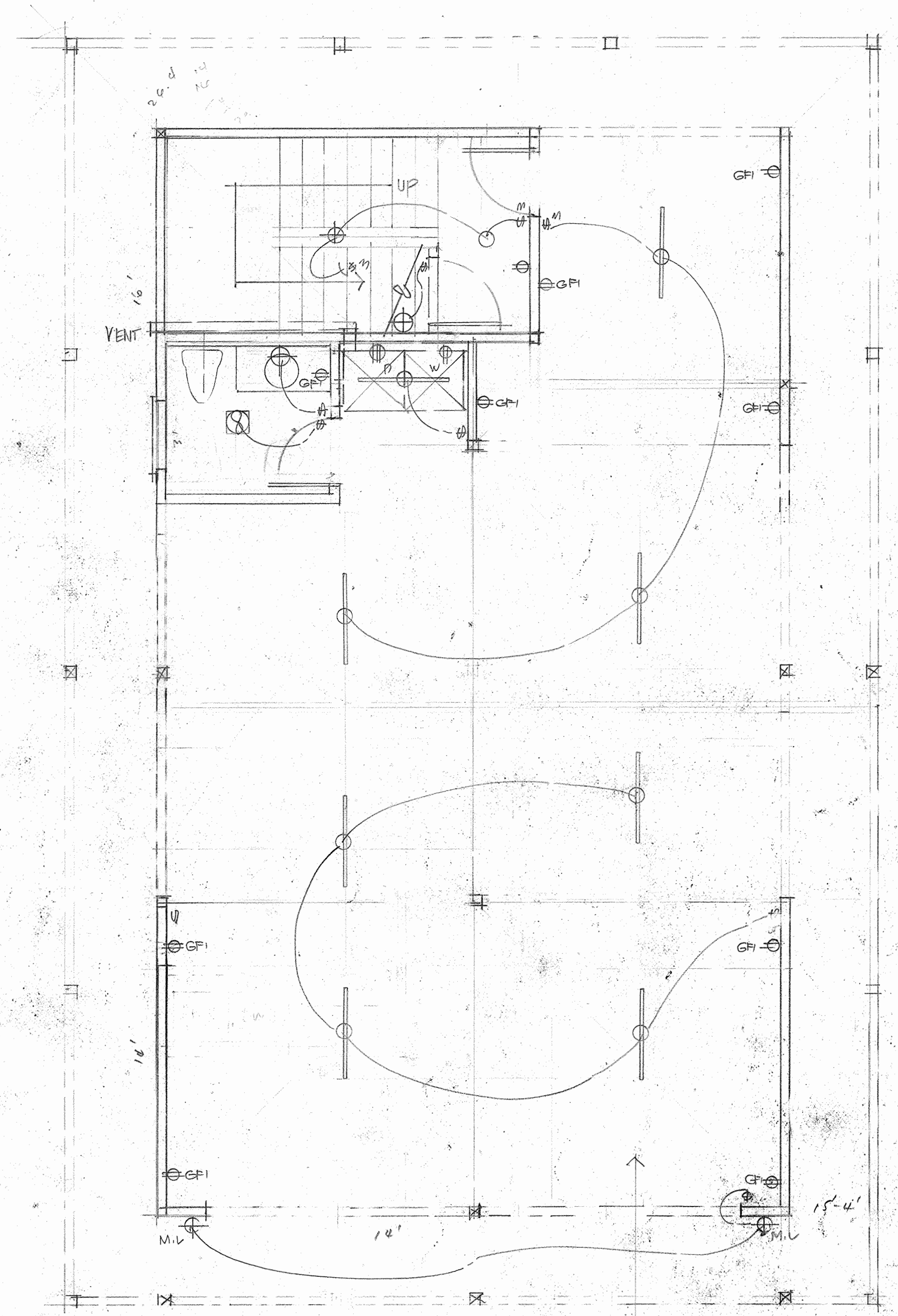
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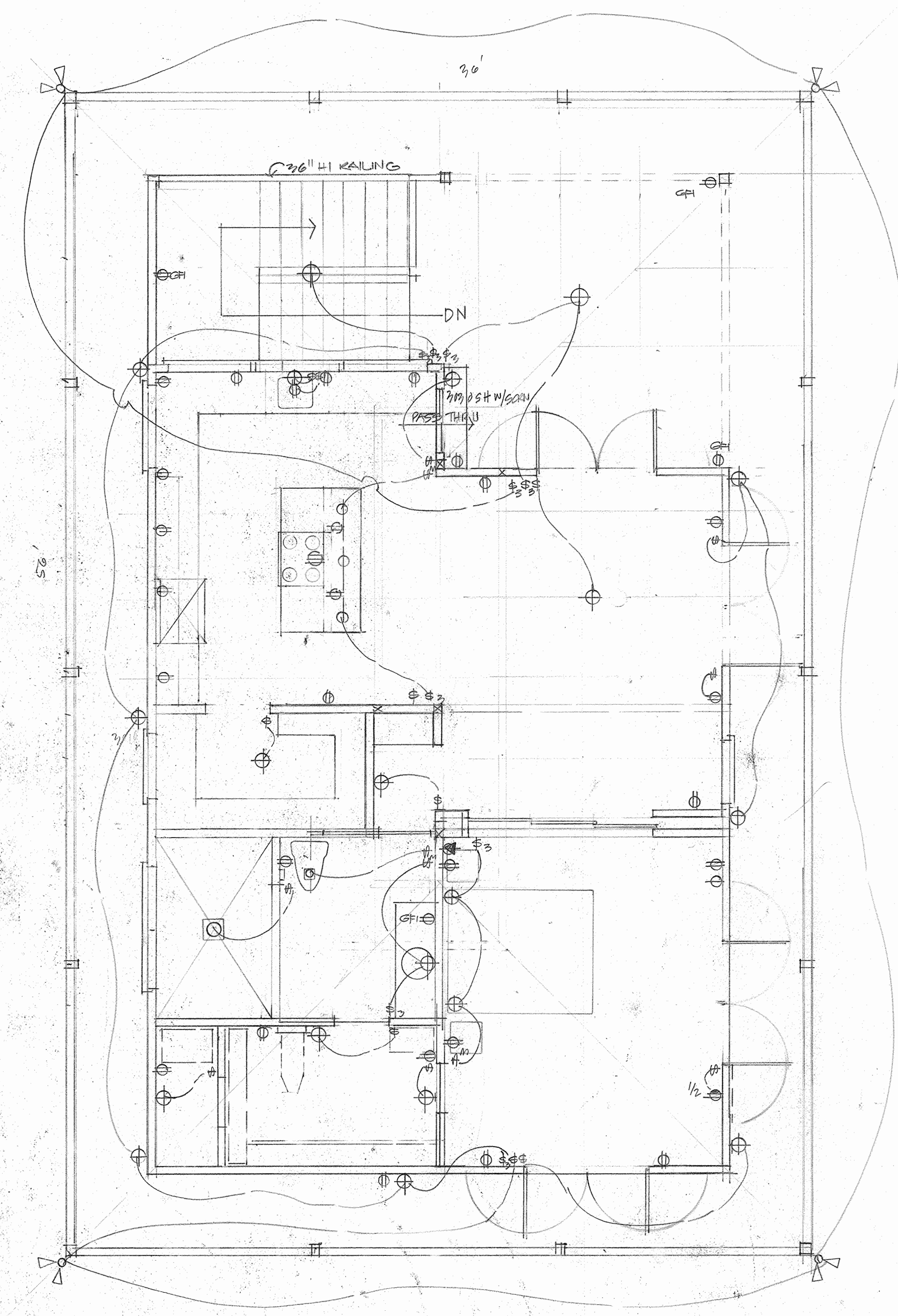
REVISIONS	BY

ELECTRICAL SYMBOLS	
SYMBOLS	DESCRIPTION
	110 CONVENIENCE DUPLEX OUTLET
	220 OUTLET (HEATING APPLIANCES)
	ONE WAY SWITCH
	TWO WAY SWITCH
	THREE WAY SWITCH
	CABLE TELEVISION JACK
	TELEPHONE JACK
	SURFACE MOUNT LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	FLOOD LIGHT
	FLUORESCENT LIGHT FIXTURE
	TRACK LIGHTS
	110 OUTLET-HALF ACTIVE WITH SWITCH
	GROUND-FAULT INTERRUPTER
	SMOKE DETECTOR
	FAN LIGHT
	GFI WITH WATERPROOF COVER
	CEILING FAN (switch or pull chain)
	PUSH BUTTON FOR GAR. DR., CHIMES, ETC.

IF LIGHTS OR ANY OTHER FIXTURE ARE NOT CONNECTED TO A SWITCH, VERIFY W/OWNER



LOWER LEVEL ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"



UPPER LEVEL ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"

GREGG, FREDERICK




ELECTRICAL PLAN

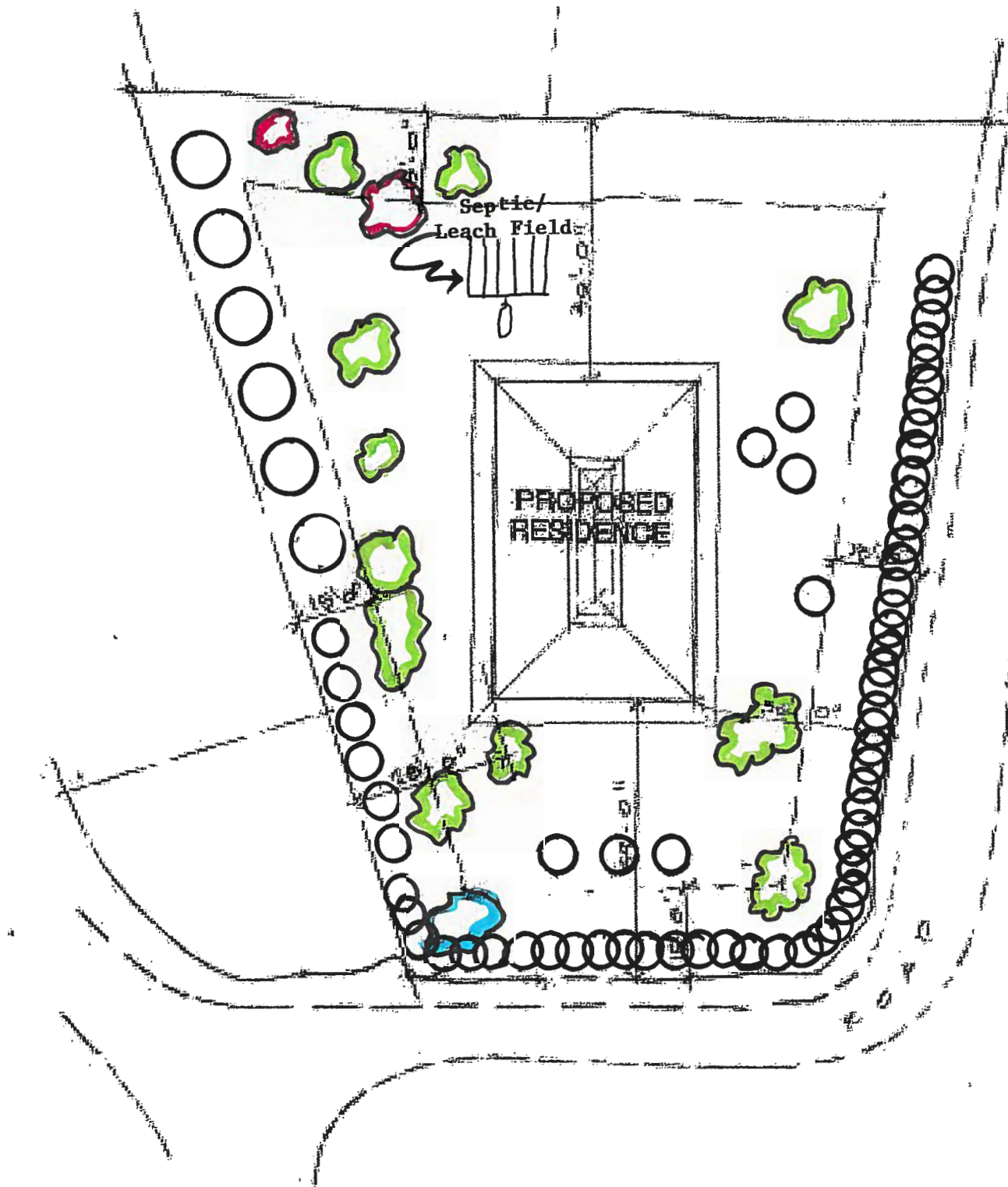
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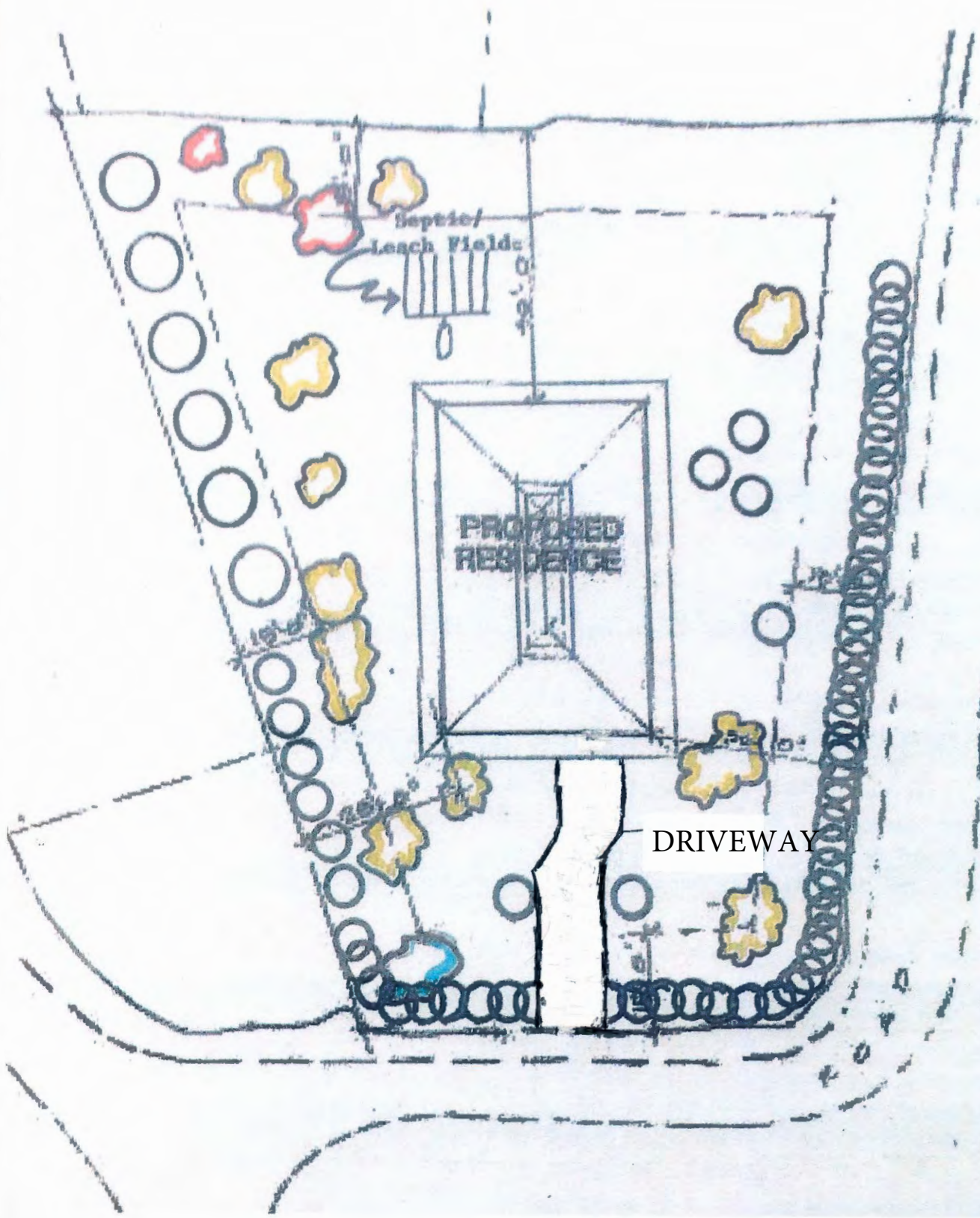
Existing Landscaping

-  Keawe
-  Tamarind
-  Kukui

Proposed Landscaping:

- Lawn
-  Native Trees and Shrubs
-  Fruit Trees
-  Hedge Along Roadway





Septic/
Leach Fields

PROPOSED
RESIDENCE

DRIVEWAY

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 3

[Draft] Archaeological Inventory Survey
November 2018
by Haun & Associates

DRAFT
ARCHAEOLOGICAL INVENTORY SURVEY
TMK: (3) 8-6-013:009



HO'OKENA AHUPUA'A
SOUTH KONA DISTRICT, ISLAND OF HAWAI'I

HAUN & ASSOCIATES

ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL RESOURCE MANAGEMENT SERVICES
73-4161 KAAO ROAD, KAILUA-KONA HI 96740
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DRAFT

ARCHAEOLOGICAL INVENTORY SURVEY

TMK: (3) 8-6-013:009

HO'OKENA AHUPUA'A

SOUTH KONA DISTRICT

ISLAND OF HAWAI'I

Prepared by:

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and
Dave Henry, B.S.

Prepared for:

Rick Gregg
76-211 Royal Poinciana Drive
Kailua-Kona, HI 96740

November 2018

HAUN & ASSOCIATES

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PHONE: 808-325-2402 FAX: 808-325-1520

MANAGEMENT SUMMARY

Haun & Associates conducted an archaeological inventory survey of the 0.429 acre TMK: (3) 8-6-013:009 located in Ho'okena Ahupua'a, South Kona District, Island of Hawai'i. The archaeological inventory survey objective is to satisfy current historic preservation regulatory review inventory requirements of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), as contained within Hawai'i Administrative Rules, Title 13, DLNR, Subtitle 13, Chapters 276 and 284, State Historic Preservation Rules.

The archaeological inventory survey identified one site, consisting of a complex of historic features that extend through the entirety of the project area (Site 50-10-47-31025¹). The site is comprised of two terraces (Features A and B), an alignment (Feature C), an excavation (Feature D), a pavement (Feature E), a series of three concrete postholes (Feature F) and an enclosure that extends around the perimeter of the project area (Feature G). No Land Commission Awards are present in the project area; however, historic maps of the area indicate that a house once existed in the parcel and that it may have been occupied by Waiiau. Artifacts recovered from the site by the landowner indicate the historic use of the site likely occurred in the late 19th to early 20th Century.

Site 31025 site is altered and in fair condition. It is assessed as significant for its information content. It has yielded information important for understanding historic habitation activity in the area. The mapping, written descriptions and photography of the site adequately document it and no further work or preservation is recommended.

The landowner plans to construct a single family residence within the project area. The exact location of the proposed structure has not been determined. This AIS was prepared in support of a Conservation District Use Permit (CDUP) application prepared for the DLNR. This activity will have no effect on historic properties because Site 31025 requires no further work or preservation.

Cover photo: Project area overview (view to west)

¹ All sites listed on the State Inventory of Historic Places (SIHP). Site numbers are 5 digit sequential numbers by island : 50 = State of Hawai'i, 10= Island of Hawai'i, 47= Honaunau, 31025=Site number

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INTRODUCTION

At the request of Mr. Rick Gregg, Haun & Associates completed an archaeological inventory survey (AIS) of the 0.429 acre TMK: (3) 8-6-013:009 located in Ho'okena Ahupua'a, South Kona District, Island of Hawai'i. The **Figure 1** USGS quadrangle map depicts the parcel as being in Kauhako Ahupua'a; however, the tax maps of the area (**Figure 2**) indicates it is in Ho'okena Ahupua'a. Historic maps of the area (see **Figure 6**, **Figure 7** and **Figure 8**), presented in the Historical Documentary Section of this report support the parcel's location in Ho'okena Ahupua'a. The objective of the survey was to satisfy historic preservation regulatory review requirements of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), as contained within Hawai'i Administrative Rules, Title 13, DLNR, Subtitle 13, State Historic Preservation Rules (2003).

The landowner plans to construct a single family residence within the project area. The exact location of the proposed structure has not been determined. This AIS was prepared in support of a CDUP application prepared for the DLNR.

The survey fieldwork was conducted between September 5 and September 12, 2018 by Haun & Associates Project Supervisor Solomon Kailihiwa, M.S and a crew of two archaeologists under the direction of Dr. Alan Haun. Approximately six person days of labor were required to complete the fieldwork portion of the project. Described in this final report are the project scope of work, field methods, background information, survey findings, and significance assessments of the sites with recommended treatments.

Scope of Work

Based on DLNR-SHPD rules for inventory surveys the following specific tasks were determined to constitute an appropriate scope of work for the project:

1. Conduct background review and research of existing archaeological and historical documentary literature relating to the project area and its immediate vicinity--including examination of Land Commission Awards, *ahupua'a* records, historic maps, archival materials, archaeological reports, and other historical sources;
2. Conduct a high intensity, 100% pedestrian survey coverage of the project area;
3. Conduct detailed recording of all potentially significant sites including scale plan drawings, written descriptions, and photographs, as appropriate;
4. Conduct limited subsurface testing (manual excavation) at selected sites to determine feature function;
5. Analyze background research and field data; and
6. Prepare and submit Final Report.

Project Area Description

The project area is a trapezoidal-shaped parcel located in the coastal portion of Ho'okena Ahupua'a at approximately 10 ft elevation. The elevations presented in this report are in feet above mean sea level. The project area is located approximately 150 meters inland of the shoreline north of Kauhako Bay. The parcel is bordered on the north and east by the Ho'okena Beach Road and by house lots to the south and west. An aerial view of the project area, taken on January 8, 2013 is presented in **Figure 3**.

The soil in the project area is pahoehoe lava (RLW, Sato et al. 1973:Sheet 131). It is classified as a miscellaneous land type with little or no soil or vegetation with the exception of mosses and lichens. "This lava has a billowy, glassy surface that is relatively smooth. In some areas however, the surface is rough and broken, and there are



Figure 1. Portion of 1996 USGS 7.5' Honaunau Quadrangle showing project area

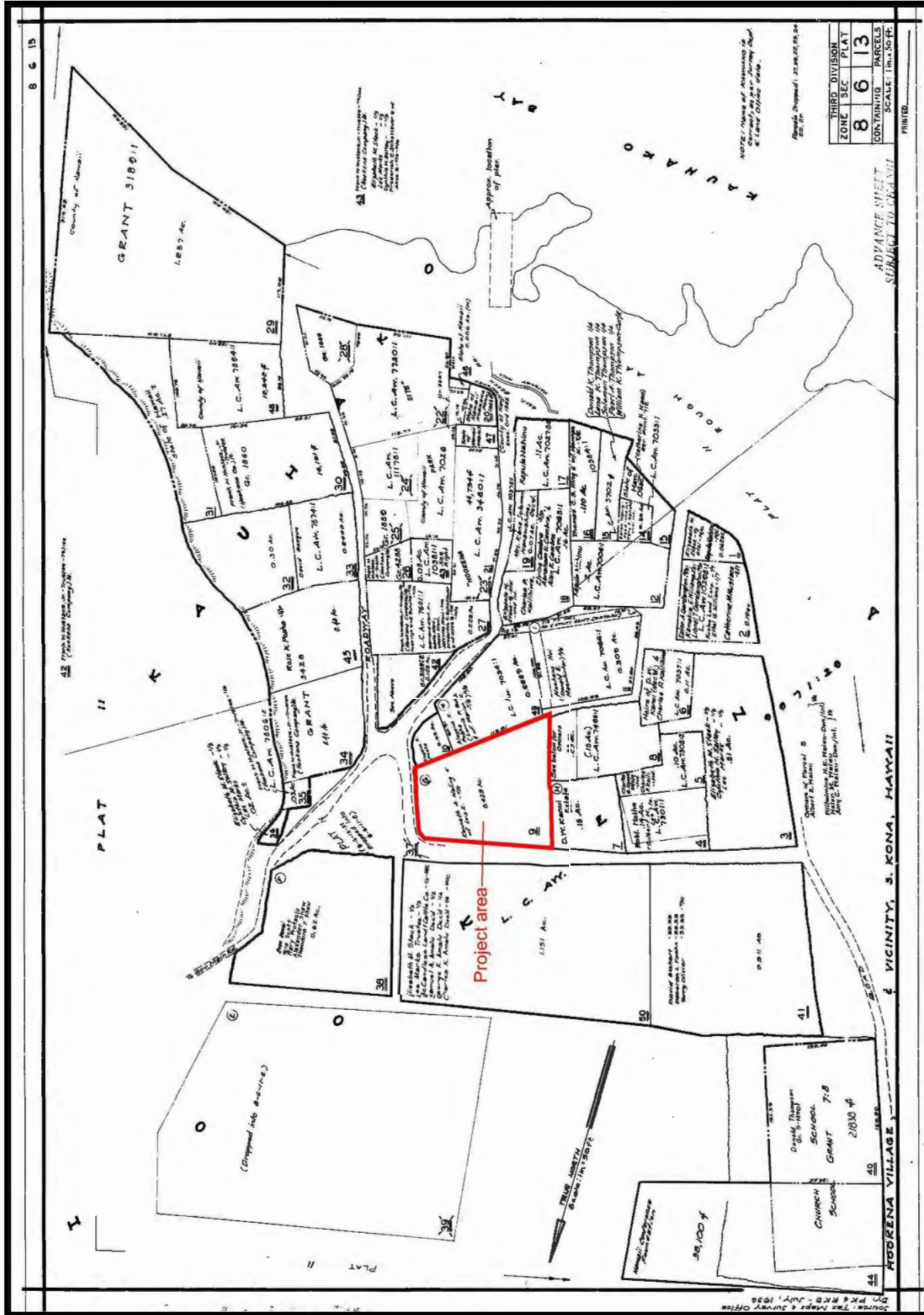


Figure 2. Tax Map Key 8-6-013 showing project area



Figure 3. January 8, 2013 aerial view of project area (from Google Earth)

hummocks and pressure domes” (1973:34). It is classified as suitable for watershed. The lava was deposited from Mauna Loa Volcano 1,500 to 3,000 years ago (Wolfe and Morris 2001:11 and Sheet 3).

The archaeological survey of the project area indicates that the entire parcel is comprised of an archaeological (Site 31025). Additional information on the project area and the site is included in the Findings section of this report. The vegetation in the parcel consists of *kiawe Prosopis pallisa*, spider lily (*Crinum asiaticum*), *opiuna (Pithecellobium dulce* [Roxb.] Benth.), *kukui (Aleurites moluccana)*, papaya (*Carica papaya*), purslane (*Portulaca villosa*), aloe vera (*A. barbadensis* Mill.) and vinca flowers (*Catharanthus roseus*).

Annual rainfall in the vicinity of the project area ranges from 204 to 750 mm (8 to 30 inches; Giambelluca et al. 2013). The mean average temperature in this general area is approximately 73.8 degrees F (usclimatedata.com). A possible well feature was noted during the survey (Feature D); however no water was present in it during the project. No surface water sources are present.

Methods

Archival research was conducted at the Hamilton Library Hawai'i and Pacific Collection at the University of Hawai'i at Manoa, the University of Hawai'i at Hilo Hawaiian Collection, the Land Survey Office and the Archives Division of the Hawai'i Department of Accounting and General Services, the Bishop Museum Archives, the State Historic Preservation Division library in Hilo, the State Survey Division, and the Hawai'i State Public Libraries in Honolulu and Hilo.

The field work portion of the project consisted of a 100% surface examination of the parcel with the surveyors walking transects at 5-meter intervals. Ground surface visibility throughout the parcel was excellent. The features of the single site identified during the survey were flagged with pink and blue flagging tape and a detailed plan map of the entire parcel was created using hand tapes and compasses. A datum was established at the southwestern corner of the Feature A terrace and the location of the datum determined with the aid of a Garmin Global Positioning System (GPS) Model 60-series device using the North American Datum (NAD) 1983 datum. The accuracy of the GPS device for a single point is +/- 3-5 m. This accuracy was increased to approximately 2-3 meters by taking multiple points including property corners and overlying the plotted points on a scaled map using AutoCAD software. The features of the site were photographed and standardized site and feature forms were prepared.

Subsurface testing during the project consisted of excavating two test units (TU-1 and TU-2) and seven shovel probes (SP-1 through SP-7). A total of 1.93 sq meters of excavation was undertaken. The test units and shovel probes were excavated in stratigraphic layers and were terminated on bedrock. Architectural layers were dismantled as a single unit, while soil layers were excavated within 20 cm levels with stratigraphic deposits. Standardized excavation records were prepared after the completion of each stratigraphic layer. The soil removed during excavation was screened through $\frac{1}{4}$ " mesh hardware cloth and 100% of the cultural material was collected. The portable remains were placed in paper bags labeled with the appropriate provenience information. Charcoal samples were deposited in aluminum foil pouches and placed in properly labeled paper bags. Following the excavation, a section drawing depicting the stratigraphy was prepared and post-excavation photographs were taken. Collected cultural material was transported to Haun & Associates' laboratory for analysis.

The collected artifacts and food remains were qualitatively and quantitatively analyzed. Artifacts were analyzed to determine morphological type, condition, degree of completion and material. Standard typological classifications were used for all artifacts. Food remains were identified to the family level, or to the genus and species level when possible. Quantitative analysis included a determination of total weight and total number of identified fragments (TNF) per taxon.

ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

Historical Documentary Research

The project area is situated in the *ahupua'a* of Ho'okena along the western coast of Hawai'i Island. Ho'okena literally translates as "to satisfy thirst" (Pukui et al. 1974). This *ahupua'a* originates along the shoreline at Ho'okena Village and extends inland for approximately 12,500 meters (7.75 miles) to approximately 6,000 ft elevation (**Figure 4**). The inland end of Ho'okena Ahupua'a terminates at the boundary between the South Kona and Kā'u Districts.

Kepa Maly translated portions of *Ka 'ao Ho'oniua Pu'uwai No Ka-Miki* (The Heart Stirring Story of *Ka-Miki*) a legendary account of two supernatural brothers, *Ka-Miki* and *Maka'iole*, who traveled around the island of Hawai'i (Maly 1996). The account was published in serial form between 1914 and 1917 in a Hawaiian newspaper, *Ka Hoku o Hawai'i*. According to Maly, the account was recorded by Hawaiian historians John Wise and J.W.I. Kihe.

The following, taken from Woforth (2008) summarizes the brother's journey as it relates to the project area vicinity.

In their counterclockwise route around the island, they encountered many trials and tribulations in this area...The brothers Ka-Miki and Maka'iole advanced towards Ho'okena from the neighboring ahupua'a to the north via the coastal trail. At Ho'okena, they encountered a large village at the trail. The chief at Ho'okena was Kauhakāo. Kauhakāo routinely had all skilled warriors fight his champion warrior Ku'iku'i'alele. When Ku'iku'i'alele defeated the other warriors, those warriors were made to carry the chief Kauhakāo up and down the mountainside on a litter.

Ku'iku'i'alele fought and was defeated by Ka-Miki at the *kāhua* in Ho'okena. In this *kāhua* way, Ka-Miki and Maka'iole won over the allegiance of the local citizens. Not long afterwards, the people there rebelled against the authoritarian chief Kauhakāo, and killed him. (Woforth 2008:4)

According to Maly and Maly (2003) the South Kona lands in the project area vicinity are part of a traditional sub-district level land division known as Kapalilua. According to Maly and Maly, "The area traditionally identified as Kapalilua extends from the Keālia-Ho'okena section of Kona to Kaulanamauna, situated on the Kona boundary of Ka'u..." (2003:1). The extent of Kapalilua is presented in **Figure 5**.

Traditional historical references to Kapalilua are given in Kamakau (1961) and Īī (1959). During a 1784 struggle between Keawe'opala and Ka-lani-'opu'u for control of Hawai'i Island:

A canoe arrived from Kekaha and brought word to Ke'e-au-moku that Ka-lani-'opu'u was at Kapalilua [in South Kona] and was coming to make war against Keawe'opala. Ke'e-au-moku therefore made up his mind to join forces with Ka-lani-'opu'u, and at Honomalino in Kapalilua Ke'e-au-moku came to offer his support to Ka-lani-'opu'u. When Keawe'opala heard that Ke'e-au-moku had thus given his support to Ka-lani-'opu'u, he made his forces ready with Ka-moho'ula as their leader, a famous fighter and skillful in maneuvering a battle. He sent his forces to South Kona by the east side of Hualalai, on the slope of Pae, and thence to Kaupehu. Between Ke'ei and Honaunau lay the battlefield (Kamakau 1961:78).

According to Kamakau, the lands of Kapalilua were given to a displaced Maui chief, Keawe-a-heulu, for his assistance to Ka-lani-'opu'u during battles with Ka-hekili between 1777 and 1779 (1961:310). During this period, "...Ka-lani-'opu'u returned to Hawai'i to see Captian Cook, called Lono, all the chiefs returned with him to Hawai'i,

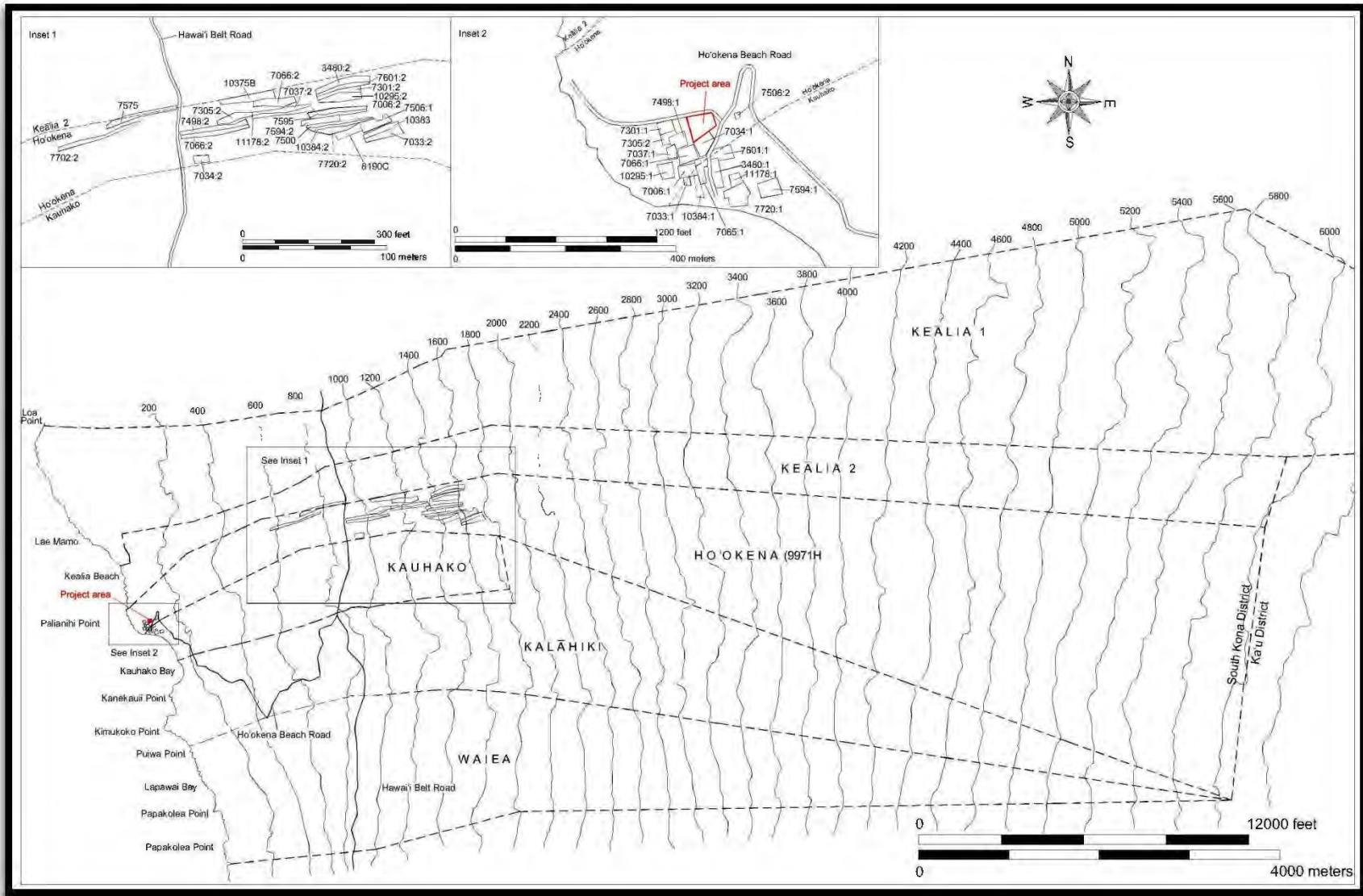


Figure 4. Ahupua'a boundaries and Land Commission Awards

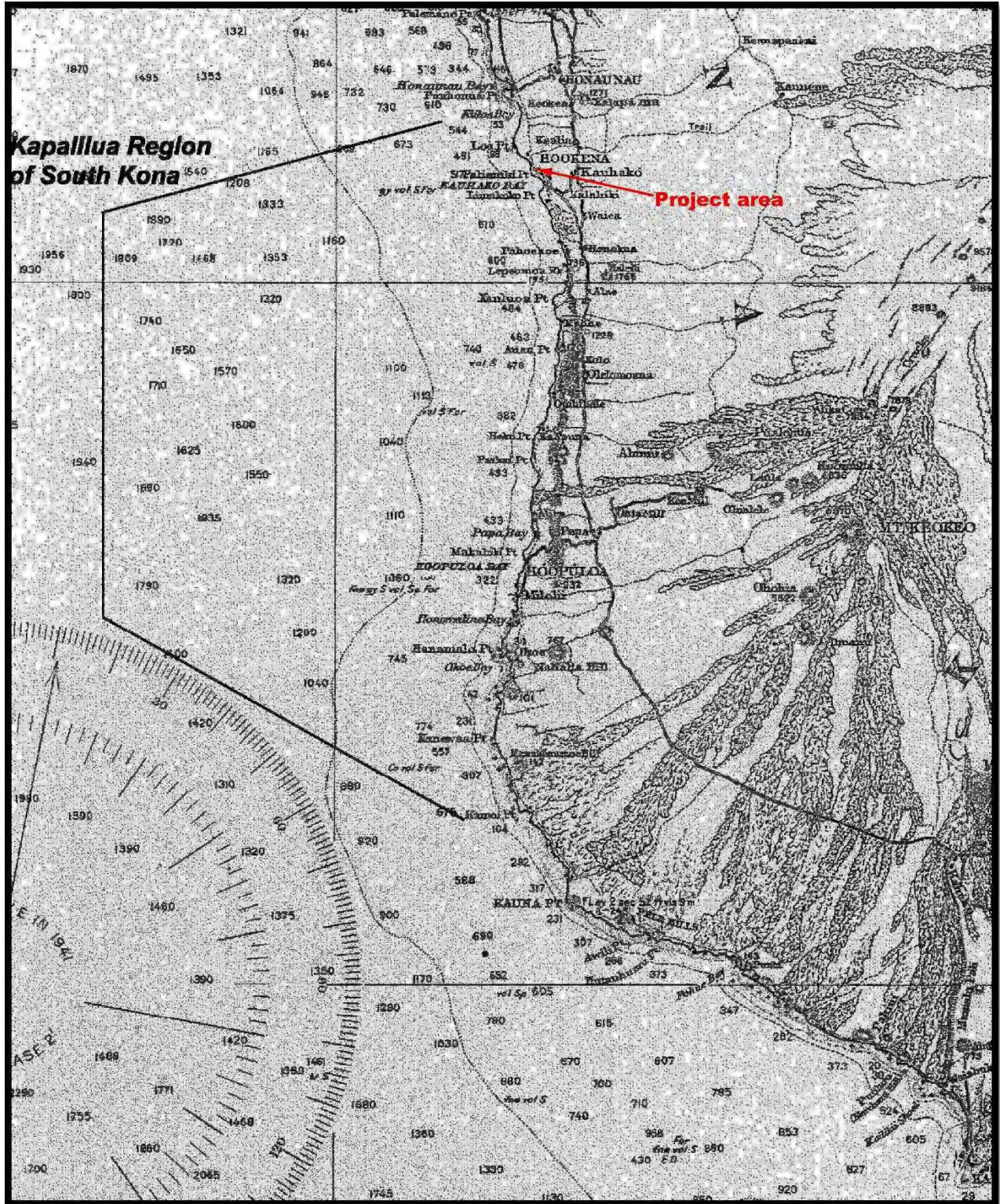


Figure 5. The Kapalilua Region (modified from Maly and Maly 2003:2)

and Ke'e-au-moku also left Hana to live at Honokua in Kapalilua, and later moved westward with his wife and children to Honomalino and Miloli'i" (1961:385).

In 1782, Ka'u chiefs bearing the corpse of Ka-lani-'opu'u changed their plans to bury him in Kailua when they reached Kapalilua and learned that Kamehameha had arrived at Ke'ei (T̄t̄ 1959:13). T̄t̄ traveled to Ka'u in 1843 to solve a dispute between Catholics and Protestants on behalf of the government. He was assisted by residents of Kapalilua on his trip from Kahuku to Kainaliu (1959:169). In 1853, T̄t̄, traveling with Chiefess Victoria Kamamalu stopped at Papa in Kapalilua where they learned of the outbreak of a small pox epidemic "about 10 ahupua'a away from Papa" (T̄t̄ 1959:171).

In 1823 Missionaries William Ellis, Joseph Goodrich, and Asa Thurston ventured through South Kona during their tour around Hawai'i Island. According to Ellis:

Kona is the most populous of the six great divisions of Hawaii, and being situated on the leeward side, would probably have been the most fertile and beautiful part of the island, had it not been overflowed by floods of lava. The northern part, including Kailua, Kealakekua, and Honaunau, contains a dense population, and the sides of the mountains are cultivated to a considerable extent; but the southern part presents a more inhospitable aspect. The fishermen, which cultivate but little land, and that at the distance of from five to seven miles from the shore. (Ellis 1961:186).

The following provides a brief overview of the pre-contact land use of the project area vicinity. Handy and Handy (1972:524-525) describe traditional agriculture in South Kona based on historic documentary research and informant interviews in the 1920s to 1940s as follows:

...South Kona was planted in zones determined by rainfall and moisture. Near the dry seacoast potatoes were grown in quantity, and coconuts where sand or soil among the lava near the shore favored their growth. Up to 1,000 feet grew small bananas which rarely fruited, and poor cane; from 1,000 to 3,000 feet, they prospered increasingly. From approximately 1,000 to 2,000 feet, breadfruit flourished.

Taro was planted dry from an altitude of 1,000 to approximately 3,000 feet. An old method of planting taro in Kona, described to us by Lakalo at Ho'okena, was to plant the cuttings in the lower warmer zone where they would start to grown quickly and then to transplant them to the higher forest zone where the soil was rich and deep and where moisture was ample for their second period of growth, in which their corms are said to have developed to an average of 25 pounds each.

At an altitude of about 2,300 feet in Kealia there was in 1931 an old-style upland taro plantation corresponding exactly to descriptions by the early voyagers, with the flourishing taro planted in twos and threes in holes in even lines, spaced about 4 feet apart, in surface covered with a mulch of fried ama'u fern.

The borders of the patches were marked by zones of rock thrown up out of the field, on top of an along the side of which were clumps of native sugar cane. Hawaiian bananas were planted her and there between the taro fields. (Handy and Handy (1972:524)

The cultivation of sweet potatoes along the western coast of Hawai'i is also discussed in Handy and Handy (1972).

Kona, like eastern Maui, with its decomposing lava mixed with humus and with intermittent rainfall which soaks away quickly in the porous soil and rock, is ideal for sweet-potato

cultivation. Sweet potatoes were the staple in lowland localities where there was sand soil, as at Kailua, Honaunau, Kealia, and Ho'okena.

...Today, sweet potatoes are planted by many Hawaiians living along the coast of Kona, either in the sandy soil near the shore at places like Ho'okena, Kealia, and Honaunau, or in spots where there is sufficient soil in the midst of dry lava. Two sizeable plantations were seen at various points both above and below the belt road in North and South Kona at altitudes of 1,800 feet. On the plantations in which taro, sugar cane, and bananas were still grown in the higher plantation zone up to altitudes of more than 2,000 feet, no sweet potatoes were seen. (Handy and Handy 1972:526-527)

In the 1840s, political acts of the Hawaiian Kingdom government would change the land tenure system in Hawai'i. All lands were segregated into one of three categories: "Crown Lands" owned by the occupant of the throne, "Government Lands" controlled by the state, and "*Konohiki* Lands" controlled by the chiefs; and "were all subject to the rights of native tenants" (Chinen 1958:29, Beamer 2014:143). In 1846, King Kamehameha III appointed a Board of Commissioners commonly known as the Land Commissioners, to "confirm or reject all claims to land arising previously to the 10th day of December, AD 1845." Notices were frequently posted in *The Polynesian* (Moffat and Kirkpatrick 1995); however, the legislature did not acknowledge this act until June 7, 1848 (Chinen 1958:16; Moffat and Kirkpatrick 1995:48-49) and the act is known today as *The Great Māhele*. In 1850, the Kingdom government passed laws allowing foreigners to purchase fee simple lands (Speakman 2001:91). The Kuleana Act of 1850 allowed for fee simple land ownership by commoners.

The Waihona 'Aina (2000) Māhele Database; which is a compilation of data from the Indices of Awards (Indices 1929), Native Register (NR n.d.), Native Testimony (NT n.d.), Foreign Register (FR n.d.) and Foreign Testimony (FT n.d.) provides information on the Land Commission Awards (LCA) during the Māhele. This database indicates that the entire *ahupua'a* of Ho'okena was awarded to William Leleihoku as LCA 9971H (see **Figure 4**).

There are an additional 24 LCAs in Ho'okena (**Table 1**). These claims consist of 41 parcels that range in area from 0.03 to 4.0 acres. These consist of 31 parcels in Ho'okena, four that span both Ho'okena and the adjacent *ahupua'a* of Kauhako (LCA 7006:1, 7033:1, 7065:1, and 7601:1), five located completely in Kauhako and Ho'okena (LCAs 3480:1, 7594:1, 7720:1, 10384:1, and 11178:1), and one in Ho'okena and Keālia 2 (LCA 7575). Of the 41 parcels, 17 are located in the coastal portion of the area and 24 are in inland Ho'okena between 580 and 1,790 feet elevation. The majority of the inland parcels (22) located inland of the Hawai'i Belt Road (former Government Road), with two located below the road.

There are no LCAs in the project area. The testimony for the parcels located to the south and west of the project area (LCAs 7034 to Kamahana, 7066 to Kahula, 7301 to Keahi, 7305 to Kailuna and 7498 to Kailuna) were carefully scrutinized but no information concerning land ownership of the present project area was obtained. The only information about the land surrounding these parcels was from LCA 7301 and LCA 7305 which stated that the boundaries are surrounded by *konohiki* land.

There are 26 *ili* listed in the testimony for the LCAs. Waiowewe is listed 11 times and Kapio and Puulena are mentioned seven times. Haleolono is mentioned five times, Kapuna is mentioned four times, Kahookiikiui and Namuku three times, and Kalanao/Kalauao, Kalea and Kupee are mentioned two times. The 15 remaining *ili* are mentioned a single time.

All 17 of the coastal parcels have a corresponding lot in the inland portion of Ho'okena (see **Figure 4**). This pattern of coastal house lots and associated upland agricultural parcels is seen throughout the Kona region. This coastal/upland relationship is described by Borthwick et al. (1997:10) below:

Table 1. Land Commission Awards in Ho’okena

Land Commission Award	Claimant	Apana	Ahupua’a	ili	Received from	Acreage	Testimony	Royal Patent	Tax Map Key
3480	Kauwe	1	Kauhaka	Kahalekilo, Waiowewe, Haleolono	parents	1.02	NR 170v8	6198	8-6-013:023
		2	Ho’okena			3.45			8-6-002:020
7006	Keoo	1	Ho’okena and Kauhako	Kalawao	wife’s parents	0.2	NR 199v8	5108	8-6-013:012
		2	Ho’okena			2.5			8-6-002:009
7033	Kamaha, J.	1	Ho’okena and Kauhako	Puulena, Kapio, Waiowewe	parents	0.05	NR 210-211v8	5306	8-6-013:014
		2	Ho’okena			3.02			8-6-002:001
7034	Kamahana	1	Ho’okena	Noholuna, Kahookiakiui, Waiowewe	grandparents	0.25	NR 211, 232v8	6728	8-6-013:049
		2	Ho’okena			1.18			8-6-003:006
7037	Kapohaku	1	Ho’okena	Namuku, Waiowewe, Kapio, Puulena	Makekai	0.11	NR 232v8	-	8-6-013:006
		2	Ho’okena			1.61			8-6-002:011
7065	Kanapau	1	Ho’okena and Kauhako	Puulena, Kapio, Waiowewe	parents	0.16	NR 237v8	5099	8-6-013:018
		2	Ho’okena			3.2			8-6-002:015
7066	Kahula	1	Ho’okena	Pohakuoheakea, Puulenanui, Kapio	Opunui	0.3	NR 237v8	5106	8-6-013:011
		2	Ho’okena			3.15			8-6-002:013
7301	Keahi	1	Ho’okena	Waiowewe	N/A	0.14	NR 95-96v8	5523	8-6-013:004
		2	Ho’okena			2.1			8-6-002:017
7305	Kailuna	1	Ho’okena	Kupee, Waiowewe, Kahale	parents	2.75	NR 259v8	5537	8-6-002:012
		2	Ho’okena			0.1			8-6-013:005
7498	Kailuna	1	Ho’okena	Kalea, Kalanao, Kapio, Kapuna	N/A	0.15	NR 503v8	5522	8-6-013:008
		2	Ho’okena			3.14			8-6-002:014
7500	Hao	-	Ho’okena	Kahookiuiui, Kalea, Kapuna	Waiau	1.57	NR 503v8	-	8-6-002:006
7506	Kupono	1	Ho’okena	Pohakuhaakea, Kahookiwikiwi, Puulena	konohiki	2.25	NR 503v8	7297	8-6-002:004
		2	Ho’okena			0.03			8-6-013:034
7575	Keoloa	-	Ho’okena and Kealia 2	Kalauao, Waiowewe	Kamohalii	1.91	NR 505v8	4098	8-6-010:003
7594	Kaheina	1	Kauhaka	Waaloa, Kalauao, Pohakuloa	konohiki	0.28	NR 412v8	7080	8-6-013:048
		2	Ho’okena			2.9			8-6-002:007
7595	Kanekoa	-	Ho’okena	N/A	N/A	1.25	NT 560v8	5529	8-6-002:008
7601	Kahuana	1	Ho’okena and Kauhako	Namuku, Waiowewe, Haleolono	parents	0.23	NR505v8	5229	8-6-013:027
		2	Ho’okena			1.85			8-6-002:019
7702	Kooka	2	Ho’okena	Ilikahi	grandparents		NR 506v8	2636	8-6-010:016
7720	Kahauahkama	1	Kauhaka	Haleolono, Puulena, Pakupu	N/A	1.4	NR 507v8	-	8-6-013:022
		2	Ho’okena			1.7			8-6-002:040
8190C	Mihalani	-	Ho’okena	Hookiuiui, Ulukahi	N/A	2.85	NT 552v8	5009	8-6-002:003
9971H	W. Leleiohoku		Ho’okena	Entire Ahupua’a					
10295	Mikaka	1	Ho’okena	Waiowewe, Kapio, Kapuna, Puulena, Kupee	Manuhano	0.19	NR 589v8	6637	8-6-013:002
		2	Ho’okena			3.85			8-6-002:017
10375B	Waiau	-	Ho’okena	Kapuna	Mikekai	4	NR 592v8	-	8-6-002:016
10383	Nakai	-	Ho’okena	Puulena, Waiowewe, Pukuipulao	Mikekai	2.85	NR 593v8	5097	8-6-002:002
10384	Naia	1	Kauhaka	Kapio, Pohakuakea, Kahookiuiui, Haleolono	Mikekai	0.11	NR 593v8	5545	8-6-013:016
		2	Ho’okena			1.45			8-6-002:005
11178	Kaanaaia	1	Kauhaka	Haeleiki, Haleolono, Namuku	N/A	0.1	NT 532v8	5223	8-6-013:024
		2	Ho’okena			2.75			8-6-002:010

This Mahele induced pattern reflects the traditional Hawaiian settlement pattern where permanent habitation was concentrated at the coast and subsistence oriented agricultural pursuits extend up slope in a zonal pattern based on the correlation between rainfall and elevation. Traditionally there was a continuum of utilization through the zones (Kula, Kalu'ulu, Apa'a, and Ama'u). However, because of restrictions of the Kuleana Act itself, claimants were

only awarded certain specific lots. Thus, the mid-1800's settlement pattern, as evidenced by the LCA data, included permanent habitation coastal house lots with upland agricultural lots. The upland lots, however, were separated by a considerable expanse of land that had formerly (traditionally) been an integral part of the agricultural system which provided the necessary mix of subsistence oriented crops. (Borthwick et al. 1997:10)

By the late 1840s a network of government roads or "*Alanui Aupuni*" had been established. As the roads allowed access to once remote portions of the island. In 1913, Henry Walsworth Kinney wrote a guide to the Island of Hawai'i land features and traditional practices that could be encountered. In the following account he describes traveling between Ho'okena and Kalāhiki:

"A fair trail leads through KEALIA, a pretty village which is practically a suburb to HOOKENA, a steamer landing place, which was once a village of much importance, but which is now being abandoned by the population, which is Hawaiian. Near the wharf was a place famous in ancient days for the playing of a game with *pupu* shells. In the great cliff south of the village are several caves, some of them still floored with sand, where *tapa* makers piled their trade. A very poor trail leads *makai* of this cliff to the KALAHIKI village, a small settlement on the south side of the bay, which may also be reached by a better trail on top of the bluff. Here are traces of a four terrace *heiau*. Beyond this there is no practicable trail leading south" (Kinney 1913:63)

There are several accounts that are part of a collection of records from government officials and residents that pertain to travel in the general project area vicinity in the later 19th Century. The following records, presented in Maly and Maly (2002) describe the coastal road that extended between Ho'okena and Napoopoo. This road is depicted in **Figure 7** and **Figure 8** below.

December 3rd, 1890

**Geo. W.R. King; to H.W. McIntosh Esq., Supt. of Public Works
(Report on findings of Inspection on Roads, Island of Hawaii):**

... I herewith present my report of the work entrusted to my care while acting under your letter of instructions dated Nov. 12/90 relating to the new roads in North and South Kona.

The makai road from Hookena to Napoopoo is in bad shape and needs some attention from the local board. Mr. Nahinu will however, attend to the matter. At Napoopoo a wharf is asked for but as no steamer stops there except for cattle, it is perhaps not really needed now. The road across Kainaliu and Kaawaloa is in fair condition but the one that starts from Mr. Paris house and goes to Kaawaloa is a most unfortunate piece of work being too steep for practical purposes... [HSA Interior Department Roads, Box 41]

December 31, 1897

T.H. Wright (South Kona Road Supervisor), to J.A. King (Minister of Interior):

... Napoopoo Road badly washed out by heavy rain ... it will cost about \$400 - to put it in proper repair if not more.

Napoopoo to Hookena beach road in a fearful condition, it needs repair of the worst kind. The Walahaka [Alahaka] pali very dangerous. This road is used every day for the convenience of the public, going and back to these places. It will cost a big lot of money to put it in shape ... [Interior Department Roads Box 42]

Figure 6 is Hitchcock's 1875 Territory of Hawai'i Register Map 1007, map obtained from the Archives Division of the Hawai'i Department of Accounting and General Services (<http://ags.hawaii.gov/survey/map-search>). This map

illustrates the extent of Ho’okena and Kealia 1st land use in 1875. Pasture land occupies the seaward portion of the *ahupua’a* at this time, with areas of “Arable Land” located to the east. “Coffee Land” is located inland of the “Arable Land” and a “Heavy Forest” of *koa* and *ohia* trees extends inland from the coffee lands. This area is bordered on the inland side by a “Line of Kahuku by Compromise”. The area inland of this line consist of pahoehoe and a’ā lava with Kipuka’s & Scattered Timber”.

Figure 7 is a portion of Emerson’s 1883 map of the Kauhakō Landing and the Ho’okena Village area (Register Map 983; from www.ags.hawaii.gov). By 1880 Kauhakō Bay contained a landing, a wharf and a road that extending inland to the main government road. Kupa Landing was named for the road supervisor of the District of South Kona from 1871 to 1880, Henry (Kupa) Cooper.

Figure 7 depicts the LCA parcels discussed above along with the present project area. The project area is labeled as “Lot G applied for by Waiau”. This map shows the cluster of residences in coastal Ho’okena and Kauhako and the Pukaana church along the shore to the north of the project area. A stone school, a frame school house, a beacon light and several stores are also shown. There is a road following the current Ho’okena Beach Road and a north-south oriented road that extends along the inland side of the village.

Figure 8 is a portion of Wall’s 1895 plan map of the Ho’okena Section of South Kona (Register Map 1745; www.ags.hawaii.gov). This map depicts the LCAs present in the area that are also shown on **Figure 4**. The current Ho’okena Beach Road is also shown on this map. A north-south road extending inland of Ho’okena Village is also depicted, labeled as the “government road”. **Figure 9** is a close-up of the **Figure 8** map showing details of the Ho’okena Village. This map shows the LCAs in the area, along with a house in the project area.

As stated, no LCA’s are listed for the project area; however, **Figure 7** indicates that the project area was applied for by Waiau, and **Figure 9** depicts a house in the project area. Waiau was awarded LCA 10375B in the interior of Ho’okena Ahupua’a inland of the Hawai’i Belt Road (see **Figure 4**). It is possible that the house in the project area shown in **Figure 9** was used as a coastal house lot by Waiau in conjunction with his upland agricultural parcel.

Watson and Farber (2012) state that the author Robert Lewis Stevenson visited Hookena in the late 19th century and describes the villages as, “the best example of a traditional Hawaiian village thickly populated.” According to Watson and Farber (2012:109), the following *mele* (song) describes the glory and pleasantry of the area:

Kupa Landing
 (nā Lot Kauwe)
 Ho`okena i ka la`i
 Honomū a`o nā manu
 `Ike ia i ka lihi ali`a `oe pūlale mai
 `O Kupa Landing
 Hanohano i ka maka
 Hō`olu `ia nō Ho`okena
 Ho`oheno ana i ka mana`o
 Nā kupa o ka `āina
 Hō`olu i ka maka o ka malihini
 Kani nei, kani nei, kani nei
 A`o nā manu
 U la laē, u la laē u
 Hone nei, hone nei, hone nei
 I Ho`okena

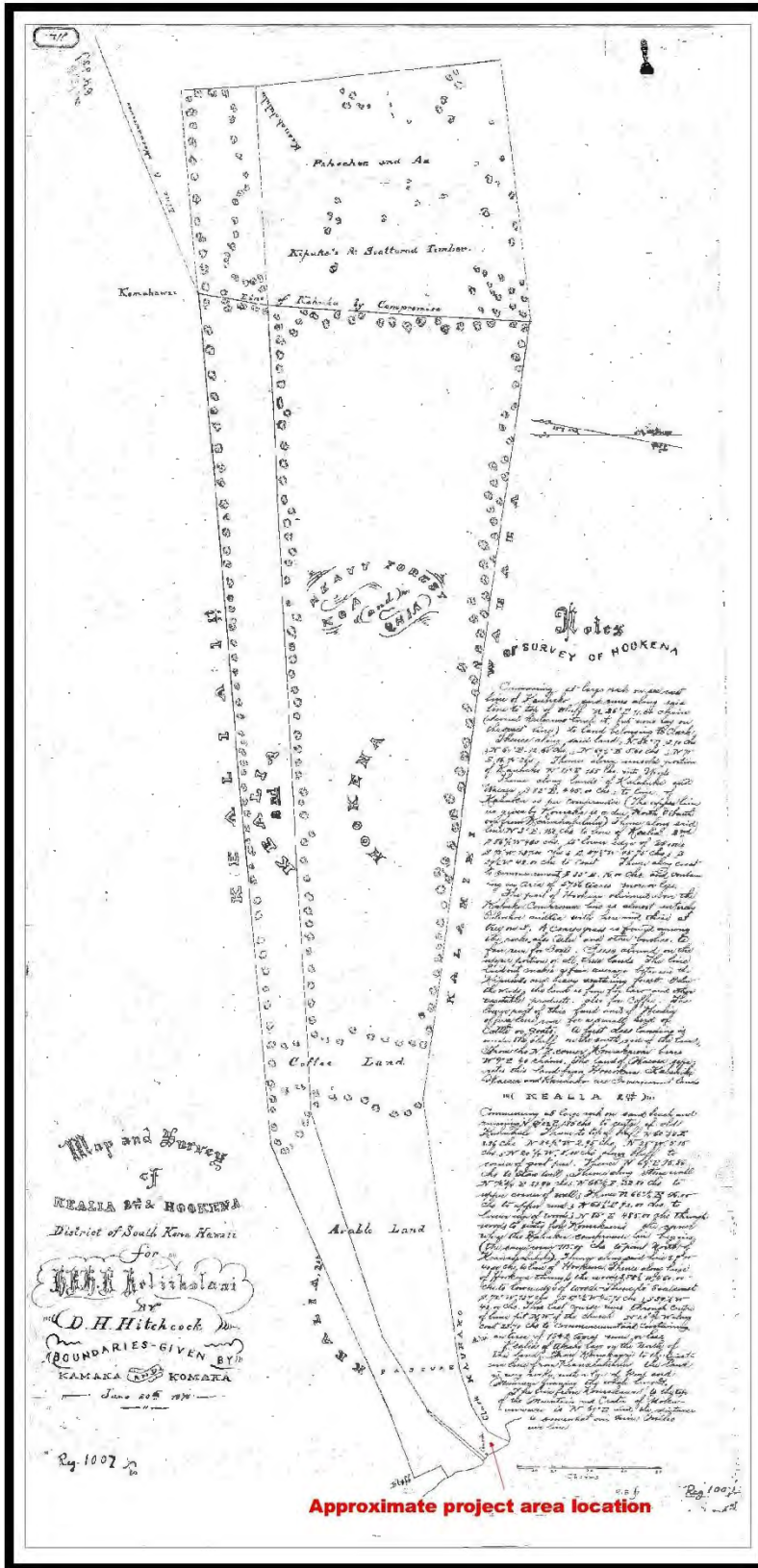


Figure 6. Hitchcock's 1875 Register Map 1007

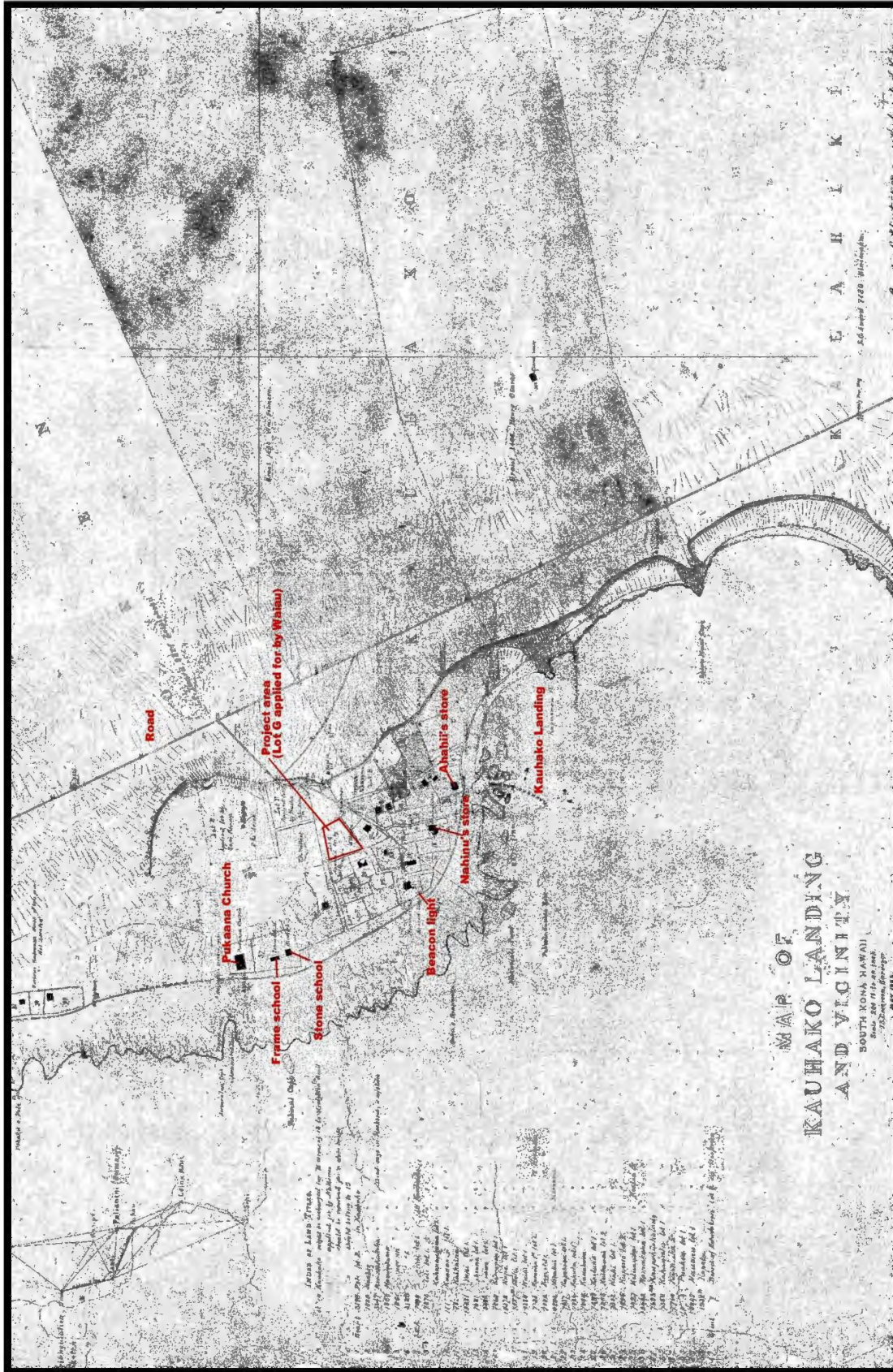


Figure 7. Portion of Emerson's 1883 Register Map 983

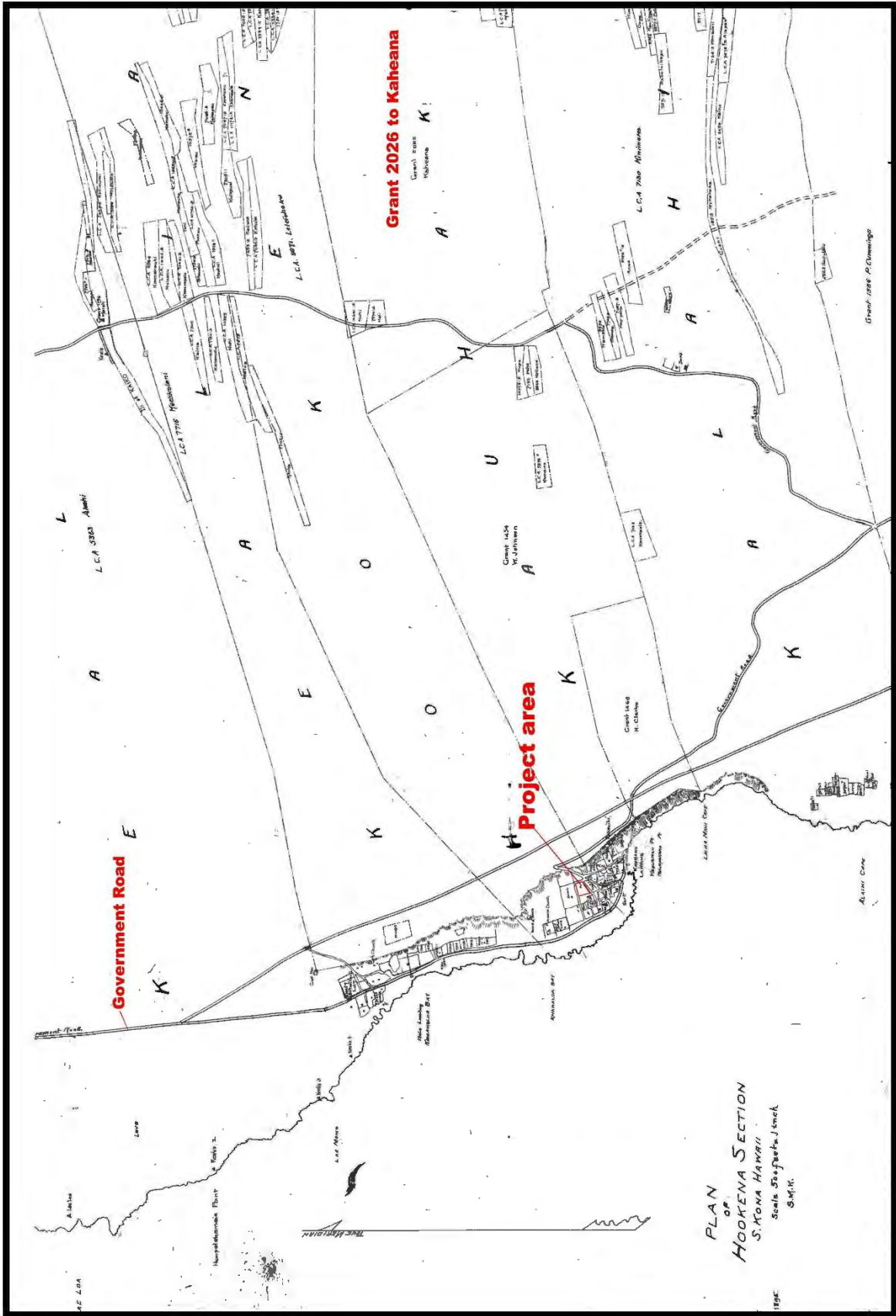


Figure 8. Portion of Wall's 1895 Register Map 1745

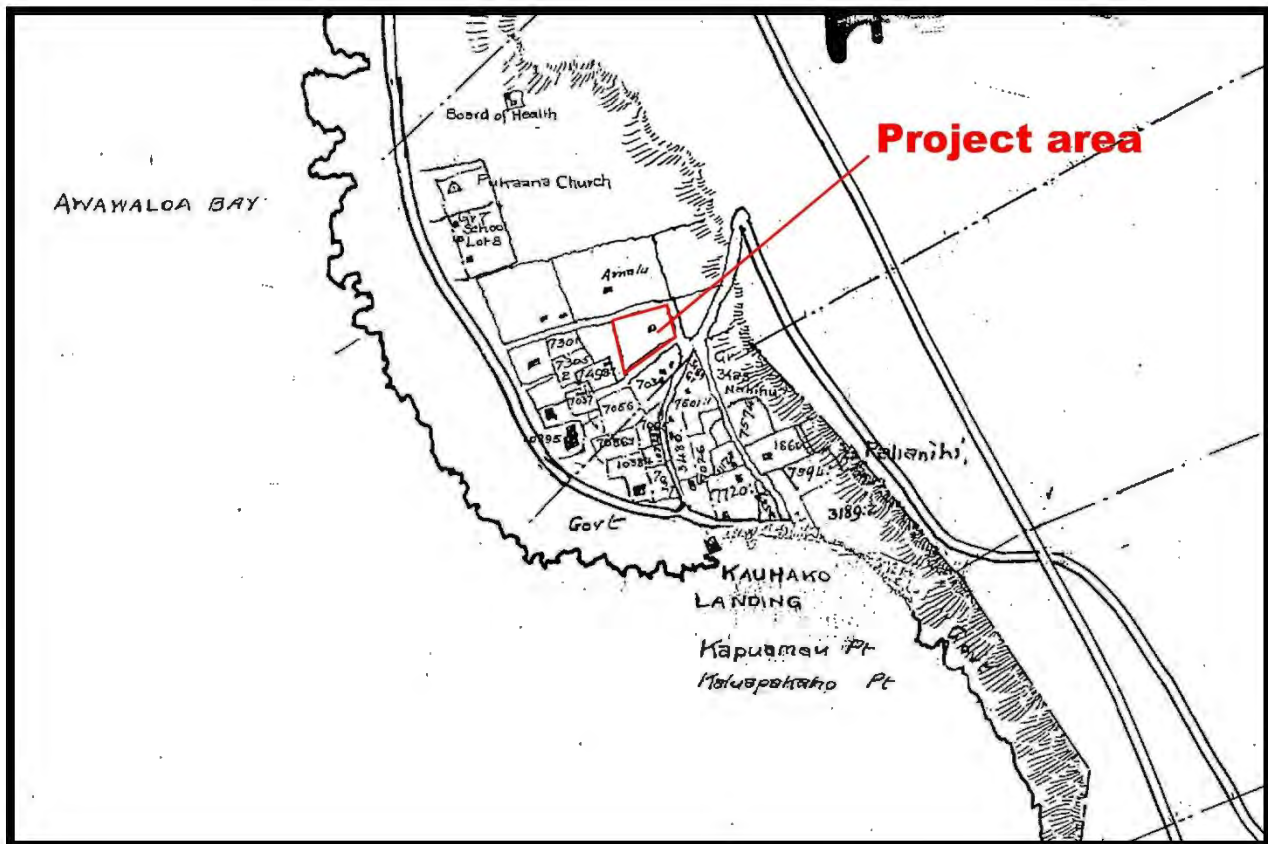


Figure 9. Close-up of Wall's 1895 Register Map 1745

In 1905 a *holua* sled was reported as being found within a cave at an undisclosed location in Ho'okena. This account is printed in the *Hoku Ka Loa* Hawaiian language newspaper (www.nupepa-hawaii.com) and is presented in English below.

On the 6th of this November, found in a hidden cave in Hookena, South Kona, on the island of Hawaii, was a holua-sliding board of ancient times of Hawaii. This surfboard [sic] was found by our companion and good friend, Mr. N. K. Pukui, one of the young gentlemen travelling about for the group, "The Hawaiian Realty and Maturity Co." When he found this board, the kamaaina of Hookena told him, this finding of the sled was new to them.

It is believed that this holua board was left in that cave for two-hundred years, from the time of Keawenuiaumi, the King of Hawaii.

According to the understanding of the oldsters of Hookena, they remember the words of their parents and grandparents, that it was a holua-sliding board of a chiefess of Hookena from long ago, named Kaneamama, and her older sister was the kaukau alii of Keauhou. These women, they were women who loved recreation. While Kaneamama was ruling Hookena, she declared to her people [kanaua? kanaka?] that they were to build a sledding course. This course was completed, and that chiefess rode upon this board. It is said that there is no sled equal to this one in any museum all over the world. This sled was made from breadfruit wood, and it is a thing of beauty to behold.

A surfboard was also found. These boards can be seen in the Office of the Group, "The Hawaiian Realty and Maturity Co.," here in Honolulu.

Figure 10 is Wright's 1906 Register Map 2355 (www.ags.hawaii.gov). This is a map depicts the Ho'okena School lot located in the adjacent land of Kauhako. This map indicates the school was situated in Grant 2026 to Kaheana, which is situated on the inland side of the main government road. Cattle ranching in South Kona began in the latter half of the nineteenth century and continued into the modern era. According to Handy and Handy, The walls (pa aina) seen today in Kona lowlands running across old boundary lines, were built to keep cattle out of the planting areas after they became a pest...(1972:527).

According to Watson et al. (2012) Ho'okena and Kupa Landing served as interisland steamer landing into the twentieth century. "By the mid-1930s, trucks had replaced stream ships for cattle transportation, and high surf and storms had demolished the landing. Most of Ho'okena's native Hawaiian families had abandoned the village to move closer to the mauka highway, the new center of activity in the region." (2012:110)

Figure 11 is a portion of an aerial view of the project area vicinity taken on January 17, 1965 by the U.S. Geological Survey and obtained from the University of Hawai'i at Mānoa online library (www.magis.manoa.hawaii.edu). This photograph shows that the project area is vegetated with little development in the vicinity of Ho'okena Village.

Previous Archaeological Research

Limited archaeological work has been conducted within Ho'okena. The first investigation in the area was conducted by John Reinecke (1930:162-163) who noted villages in the coastal portions of Ho'okena and Kalāhiki. Only brief descriptions of these wall residential sites are provided because the area, "...was not studied with nearly the thoroughness which it deserved; I thought that I should pass through it again upon my return, and therefore neglected much of it" (1930:163). Stokes, cited in Stokes and Dye (1991:112) noted two *heiau* in the interior of neighboring Kalāhiki (Kahauwawaka and Hekilinui) and one in coastal Waiea (Ko'a), but none in Ho'okena.

The first modern archaeological examination of the area was conducted during the Statewide Inventory of Historic Places (SIHP) survey conducted by the Department of Land and Natural Resources (DLNR) in 1971. Several historic buildings were identified in the area consisting of the Puka'ana Church (Site 7226), the Keālia Protestant Church ruins (the original Puka'ana Church; Site 7227), the Maria Lanakila Church ruins (Site 7305), the Japanese Language School and Church (Site 7305), the Old Post Office (Site 7256) and the Ho'okena Landing (Site 7256; **Figure 12**).

Rosendahl (1990) conducted an archaeological field inspection of a 0.25 acre parcel in Ho'okena, adjacent to the project area to the south. This lot had been bulldozed and contained scattered cultural debris but no surface architecture.

Kennedy and Maigret (1994) conducted an archaeological inventory survey of an 18 acre area for the Ho'okena School site located along the seaward side of the Hawai'i Belt Road in the adjacent Kauhako Ahupua'a. This survey identified three temporary habitation caves, a wall, a complex comprising the Ho'okena teacher's grounds, and the old courthouse grounds.

Despite the limited archaeological work conducted in or adjacent to Ho'okena, numerous studies have been conducted in the South Kona region that can offer insight into the archaeological resources that may be present in the project area. Coastal areas in Kauleoli Ahupua'a, to the north of Ho'okena by Rechtman and Clark (2002a) identified temporary habitations and agricultural features, along with historic salt manufacturing features, homesteads and features associated with ranching. Further north in Ke'ei Ahupua'a work by Soehren (1968),

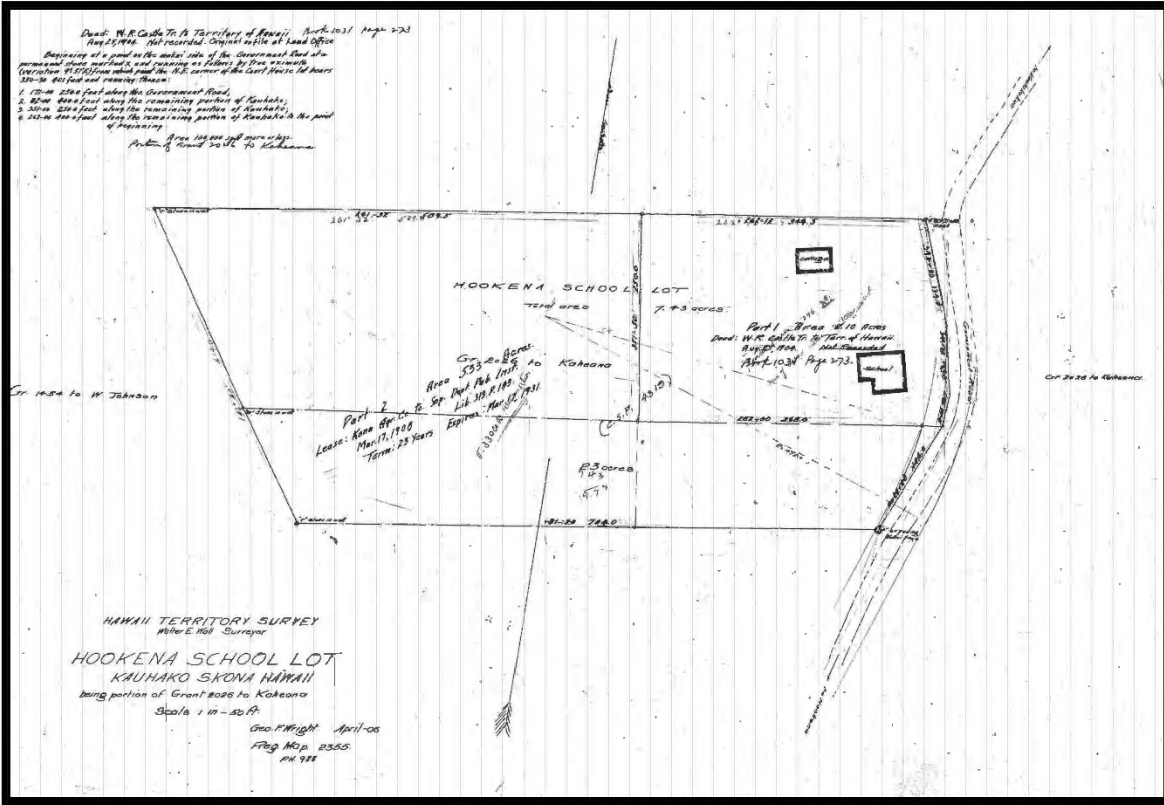


Figure 10. Wright's 1906 Register Map 2355

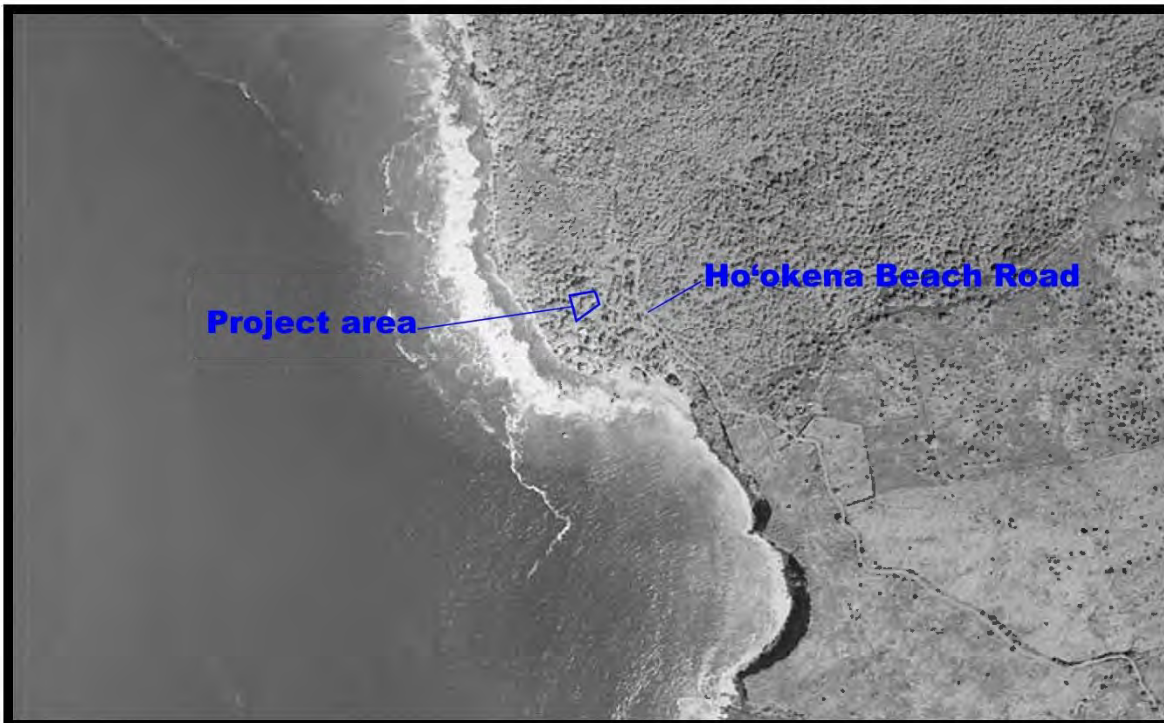


Figure 11. January 17, 1965 aerial photograph of project area vicinity

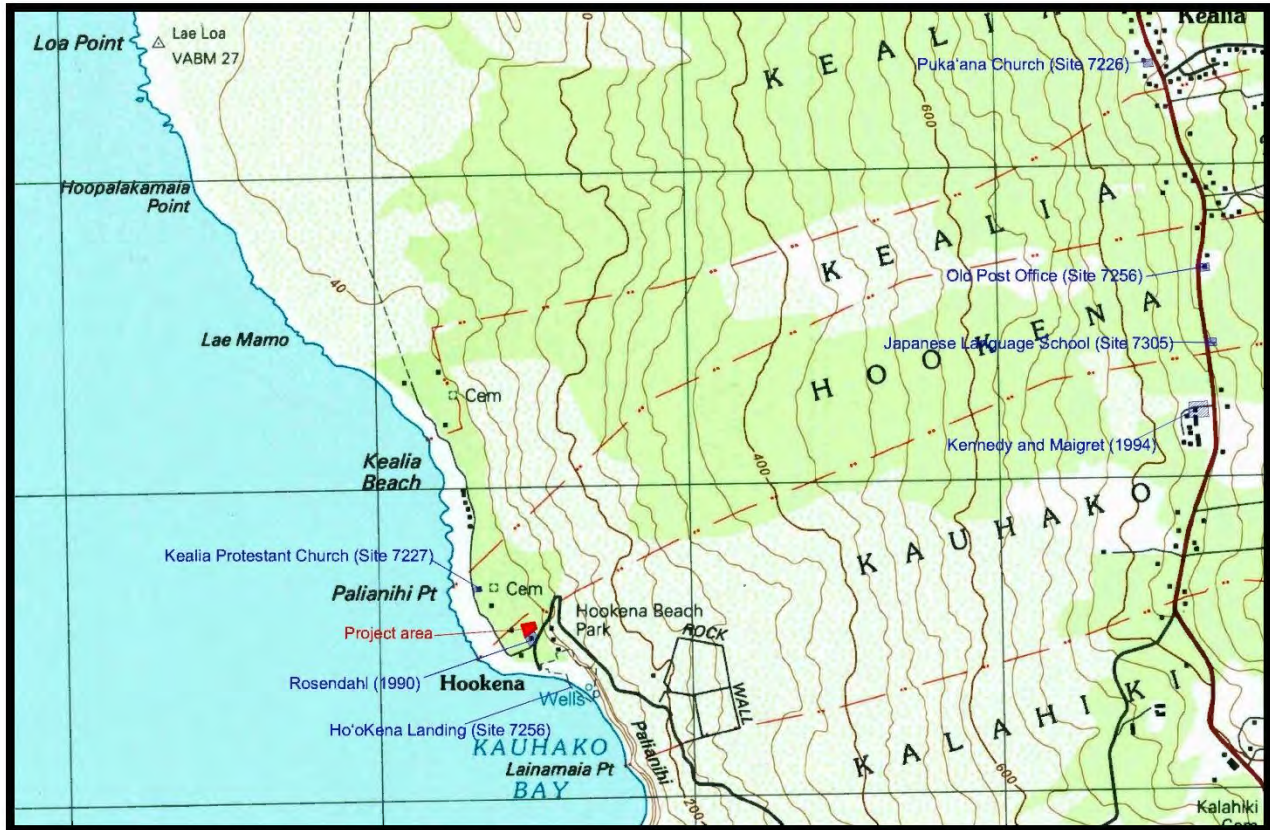


Figure 12. Previous archaeological work and sites in project vicinity

Ching (1971), Nishiyama and Lothian (1972), Palama and Silva (1975) and Rechtman and Clark (2002b) identified habitation platforms and caves, agricultural features, trails, ranch walls and Historic homesteads.

Ketner and Rechtman (2008) identified the remains of a *kuleana* house lot comprised of core-filled walls and a pecked boulder to the south of the project area in Kalāhiki. Further south in Pahoehoe 1 Ahupua‘a, Haun and Henry (2004) conducted an archaeological inventory survey of a parcel extending from the shoreline inland to the Hawai‘i Belt Road and identified permanent habitation, agriculture, ceremonial, burial, and temporary habitation features along with trails and cattle walls.

PROJECT EXPECTATIONS

Reinecke (1930) noted walled residential sites in coastal Ho‘okena, but provides little additional information. The presence of these sites correlates with the numerous land commission award parcels in the immediate vicinity of the project area. There are 17 LCAs in the coastal, all of which have a corresponding agricultural parcel in the interior. Emerson’s 1883 map of the Kauhakō Landing and the Ho‘okena Village area (see **Figure 7**) indicates that the project area was applied for by Waiau, and Wall’s 1895 plan map of the Ho‘okena Section of South Kona (see **Figure 9**) indicates a house was once present in the parcel. It is possible that the remnants of this structure and walls that may have once enclosed it will be located during the archaeological inventory survey.

CONSULTATION

Kepa Maly (Maly and Maly 2003) conducted an interview in April, May and June 1996. with a *kupuna* knowledgeable about the general project area vicinity. Louis Kānoa Hao, Sr. was born in Ka'ohē in South Kona and raised by his family as a farmer and a fisherman in the area. Mr. Hao had cousins from Ho'okena, the Alani family and he recalled fishing in the area creating *imu* or stone mounds used to trap fish in the Ho'okena area because of the presence of sand.

After World War II Mr. Hao started a commercial fishing business in an around the Ho'okena area and describes his activities until he lost his boat in 1950. The exchange between Louis Hao (LH) and Kepa Maly (KM) is presented below:

LH: ...After the war, I bought a fishing boat, I went fishing.

KM: Oh, out of Hilo, or Kona?

LH: No, no, Kona, that's when I went Miloli'i.

KM: Oh, so you lived out Miloli'i then?

LH: I lived at Minoli'i, then we opened that Ho'okena port.

KM: So you and your wife?

LH: Me and my wife.

KM: And you had children at that time?

LH: Yes... So I was fishing... I was making good money that time, fishing, and then I had the three fishing boats.

KM: So 'opelu fisherman mostly, or you go out...?

LH: 'Opelu. Ho'okena people was fishing, catching 'Opelu, I buy, buy all, all their fish. I had three fishing boats, sampan over there, yeah, I take ten percent, on every dollar they make, on the boat.

KM: Yes. Oh. So you would haul the fish, go market?

LH: Market, we have our own fish market too.

KM: Oh.

LH: We had two fish markets.

KM: Miloli'i?

LH: No, no, over here in Hilo.

KM: Oh, here in Hilo.

LH: One in Hilo, one in Kea'au.

KM: Oh yes, Kea'au?

LH: Before had the theater over there before.

KM: Oh.

LH: Way back, way back, I talking eh, way back now.

LH: Yes. Forty, forty-five, forty-six, yeah, forty-seven, forty-seven, I left Ho'okena, I moved to

Hilo, *pau*. I stay fish out in Hilo. Then 1950, when I lost the boat, I closed up the fish market everything shut down.

KM: How'd you lose the boat?

LH: Caught fire.

and

KM: So how long did you live down Miloli'i?

LH: Ah, I think maybe a couple of months, then we opened up that Ho'okena Port.

KM: Oh I see.

LH: So I was making good with the... See down here they get this kind port captain over here, in the war time yeah.

KM: Yes, yes.

LH: And then Captain Lang I think, or something...

KM: Lang?

LH: Lang, yeah, the name. So I made good with him 'eh, talk story, talk story, then I ask him for that port, 'cause they close the port see...

KM: Oh, I see.

LH: Only, only the port open that time, Kailua, Napo'opo'o, and Miloli'i, only three.

KM: Oh, on that whole side, that was all?

LH: Yes. That's all. But I like open Ho'okena, see, but cannot, so I make good with him, I keep going, keep going [laughing], until I got 'em. Yes, he tell me "Okay, Louis, we go open the port." Then I bring my sampan over there in Ho'okena and Charlie Moku'hai.

KM: Oh you remember the old man Moku'hai?

LH: Yes. Charlie Moku'hai, the old man, married to my aunty.

FINDINGS

The archaeological inventory survey indicates that the entire parcel consists of an archaeological site. Site 31025 is a complex of seven features consisting of two terraces (Feature A and Feature B), an alignment (Feature C), an excavation in a pahoehoe outcrop (Feature D), a pavement that extends throughout the project area, a series of three concrete postholes (Feature F) and a large enclosure that extends around the perimeter of the parcel (Feature G). The site encompasses an area 48.0 to 52.0 meters long (northeast by southwest) and 24.0 to 47.0 meters wide. The remainder of the parcel consists of areas of sand and low pahoehoe outcrops. The extent of the site is depicted in **Figure 13**.

Bottle glass, rusted metal, window glass and sun-bleached marine shell were noted on the surface, but not collected. The landowner, Mr. Rick Gregg has collected a variety of historic artifacts from the surface of his lot over the years. These materials are household objects consisting of a variety of glass medicine bottles, liquor and soda bottles, a variety of ceramic bowl, teacup, and saucer fragments, a stoneware bottle fragment, parts of a pocket watch, a button, kerosene lantern parts, a lamp crystal, door knob hardware, horse shoes, bails and handles, a dog tag, a fire badge and parts of a metal stove. Research into selected artifacts indicates manufacture occurred as early as 1846 and as late as 1919. These materials are described and depicted in **Appendix A**.

Evidence of the modern use of the project area is also present. There is a Northstar brand truck camper situated in the west-central portion of the parcel (**Figure 14**) and a modern fire-pit located 8.0 meters to the south. The firepit is comprised of stacked boulders and cobbles and is 1.3 meters long, 0.9 meters wide and 0.3 meters high (**Figure 15**). Twigs and branches have been piled in the firepit.

Feature A is a large irregular-shaped terrace located in the approximate center of the project area. It is bordered by an alignment of boulders and cobbles along the south side (0.2 meters high) and by pahoehoe outcrops along the north side. The east side is bordered by an area of level sand and the west side is collapsed rubble. The surface of the terrace is a level cobble and pebble pavement. Scattered bottle glass is present on the surface. Overviews of the terrace are presented in **Figure 16** and **Figure 17**.

A 1.0 by 1.0 meter test unit (TU-2) was excavated into the Feature A terrace in the southwestern portion. This excavation revealed two layers overlying bedrock (**Figure 18** and **Figure 19**). Layer I consists of an architectural layer of boulders, cobbles and pebbles that is 0.18 to 0.32 meters thick, ranging in depth from 31-62 centimeters below datum (cmbd). Cultural material from Layer I consists of white earthenware ceramic fragments, an aqua bottle glass fragment, marine shell and reef rubble (unidentified waterworn marine shell fragments). The midden recovered from TU-2 is presented in **Table 2** and the artifacts are presented in **Table 3**.

Layer II consists of 0.02 to 0.31 meters (48-93 cmbd) of very dark brown (10YR 2/2) silt with 60% boulder, cobble and pebble inclusions. Cultural material from Layer II consists of aqua and colorless glass bottle fragments, three bone buttons, marine sea shell, urchin spines and exoskeleton fragments, fish bone, pig bone, rat bone, unidentified mammal bone, unidentified avian bone, charred wood, and burned and unburned *kukui* nutshells.

Feature B is a small, oval-shaped terrace located to the east of Feature A (**Figure 20**). The feature is 2.3 meters long (northeast by southwest) and 1.0 meters wide, with a *kiawe* tree is growing adjacent to the terrace to the southeast. The surface of the terrace is paved with basalt and coral cobbles and pebbles. Historic artifacts (glass fragments, ceramic sherds, and metal fragments) have been piled on top of this feature by the property owner.

A 0.5 by 0.5 meter test unit (TU-1) was excavated into the center of the feature, revealing two layers over bedrock (**Figure 21** and **Figure 22**). Layer I consists of an architectural layer of boulders, cobbles and pebbles that is 0.16 to 0.26 meters thick (57-87 cmbd). Cultural material from Layer I consists of white earthenware ceramic

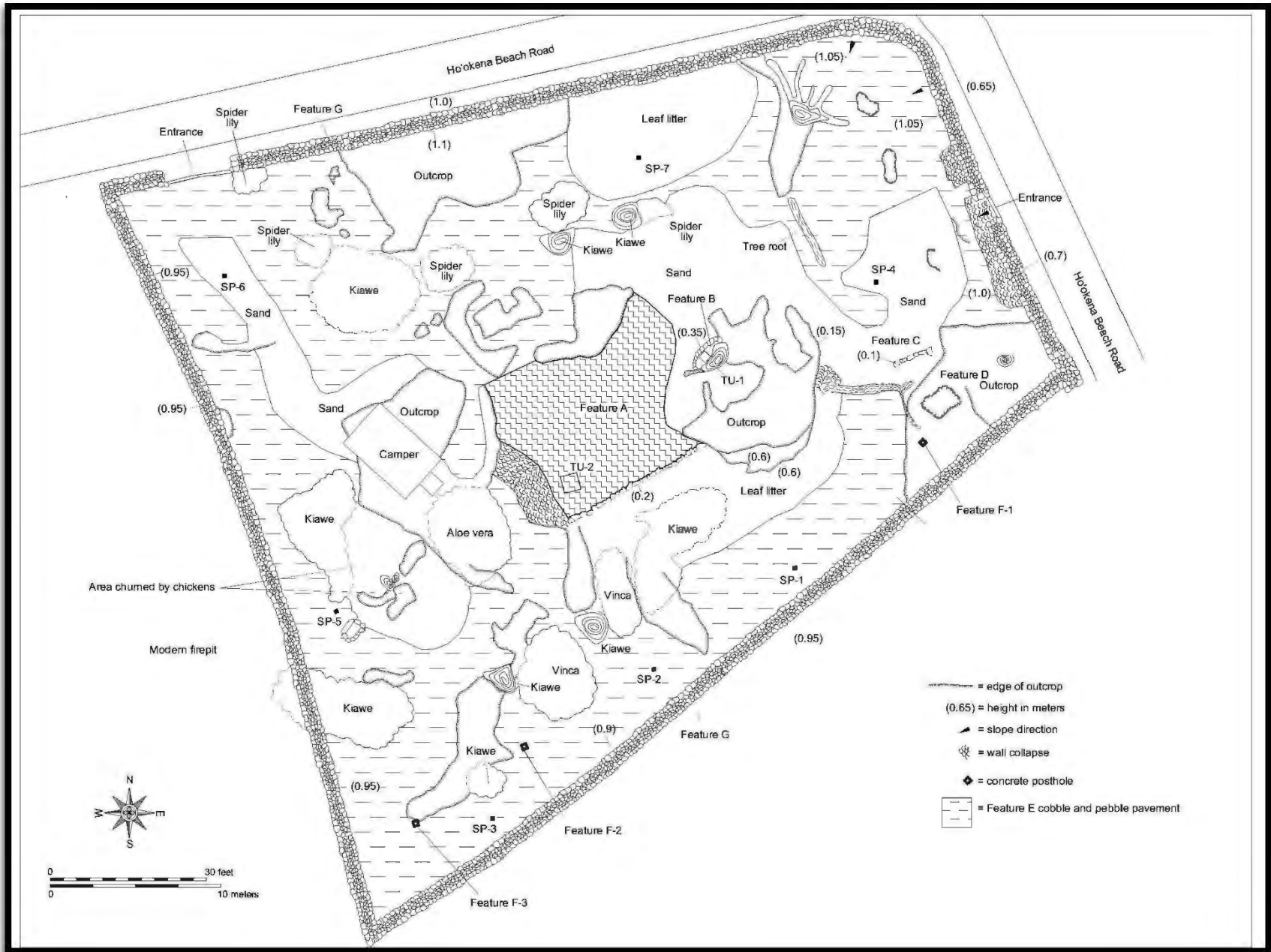


Figure 13. Extent of Site 31025



Figure 14. Northstar camper (view to east)



Figure 15. Modern firepit (view to south)



Figure 16. Retaining wall along south side of Feature A terrace (view to east-northeast)



Figure 17. Surface of Feature A terrace (view to southwest)

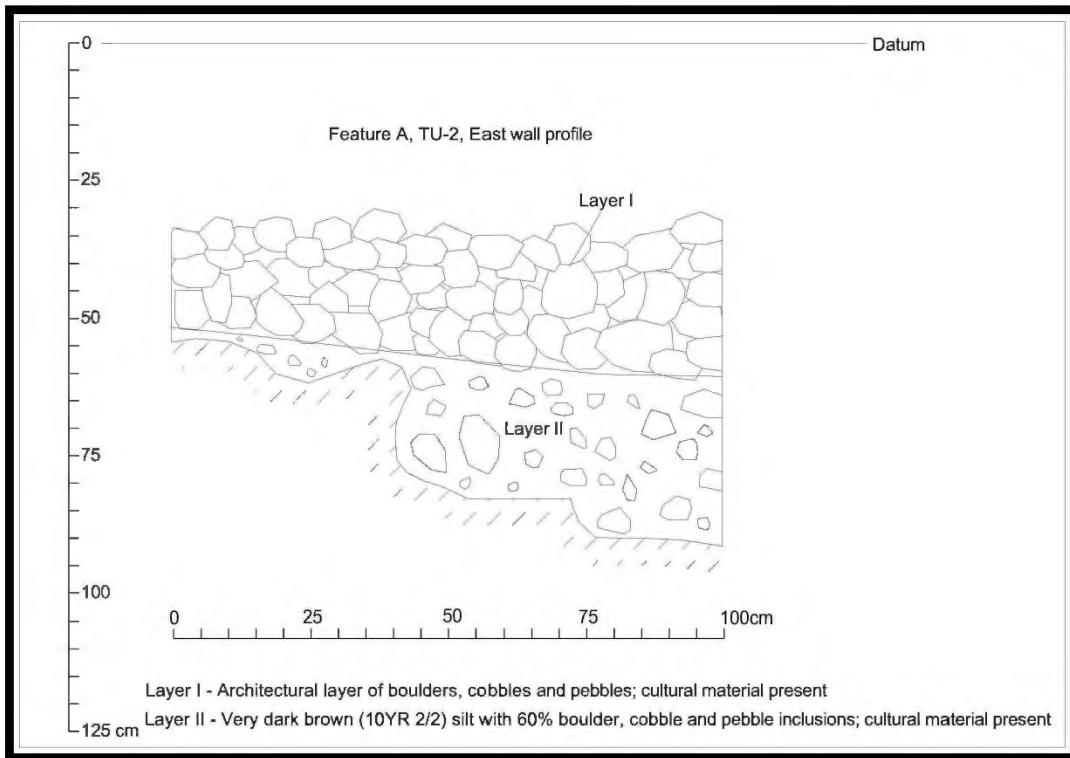


Figure 18. Feature A, TU-2, East wall profile



Figure 19. TU-2, post-excavation photo (view to north)

Table 2. Midden from Feature A, Test Unit 2

Midden from Feature A, Test Unit 2		Layer I-1		Layer II-2		Layer II-3		Layer II-4		Total	
		31-62 cmbd		48-68 cmbd		68-88 cmbd		88-93 cmbd		31-93 cmbd	
		TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT
MARINE INVERTEBRATES											
GASTROPODA	Conidae	1	3.4			1	2.1			2	5.5
	Cypraeidae	3	21.8	1	1.6	3	1.8	1	0.5	8	25.7
	Cypraeidae <i>Mauritia</i> sp.					1	5.9			1	5.9
	Muricidae							1	0.3	1	0.3
	Nacellidae <i>Cellana</i> sp.	1	0.7	1	0.1	3	0.7	5	1.3	10	2.8
	Neritidae							1	1.1	1	1.1
	Neritidae <i>Nerita picea</i>	1	0.2			2	0.4			3	0.6
BIVALVIA	Isognomonidae <i>Isognomon</i> sp.					2	0.4			2	0.4
MISC.	Reef Rubble	1	12.8			23	16.7	8	21.3	32	50.8
	Indeterminate Marine Shell			1	0.3	2	0.5			3	0.8
ECHINOIDEA	Echinometridae exoskeleton					9	1.2	6	0.7	15	1.9
	Echinometridae spine							2	0.1	2	0.1
	Echinometridae <i>Heterocentrotus mammillatus</i>					15	5.9	12	4.1	27	10.0
	Echinometridae <i>Colobocentrotus atratus</i>							1	0.2	1	0.2
	Total Invertebrates	7	38.9	3	2	61	35.6	37	29.6	108	106.1
MARINE VERTEBRATES											
	Fish, cranial			1	0.1	4	0.2	1	0.1	6	0.4
	Fish, post-cranial			1	0.1					1	0.1
	Total Marine Vertebrates	0	0	2	0.2	4	0.2	1	0.1	7	0.5
TERRESTRIAL VERTEBRATES											
MAMMALIA	Undetermined Mammal					3	0.7	5	1.2	8	1.9
	Undetermined Avian					1	0.6			1	0.6
	Suidae <i>Sus scrofa</i> (pig)					2	3.4			2	3.4
	Muridae <i>Rattus exulans</i> (Polynesian rat)							5	0.4	5	0.4
	Total Terrestrial Vertebrates	0	0	0	0	6	4.7	10	1.6	16	6.3
MACROFLORAL											
	<i>Aleurites moluccana</i> (unburned <i>Kukui</i> nutshell)			1	0.2	1	0.5			2	0.7
	<i>Aleurites moluccana</i> (burned <i>Kukui</i> nutshell)					1	0.1			1	0.1
	Charred wood			8	1.6	10	1.4	4	0.4	22	3.4
	Total Macrofloral	0	0	9	1.8	12	2	4	0.4	25	4.2
	TOTAL	7	38.9	14	4	83	42.5	52	31.7	156	117.1

cmbd= cm below datum, TNF=Total number of fragments, WT=Weight in grams

Table 3. Artifacts from Feature A, Test Unit 2

Acc. No.	Layer-Level	Depth cmbd	Specimen	Material	Type	TNF	Weight	Comment
12.001	I-1	31-62	White Earthenware Tea cup/Mug	Ceramic	Historic Tableware	3	11.9	3.5" diameter cup fragment (mended)
12.002	I-1	31-62	White Earthenware Fragment	Ceramic	Historic Tableware	1	11.2	undecorated body sherd
12.003	I-1	31-62	Aqua Bottle Fragment	Glass	Historic Container	3	5.5	
13.001	II-2	48-68	Aqua Bottle Fragment	Glass	Historic Container	1	2.9	
13.002	II-2	48-68	Colorless Bottle Fragment	Glass	Historic Container	1	0.5	
13.003	II-2	48-68	Bone Button	Mammal Bone	Historic Clothing	2	0.6	3/4" diameter 4 hole sew through sunken panel coat button
14.001	II-3	68-88	Aqua Bottle Fragment	Glass	Historic Container	5	6.9	
14.002	II-3	68-88	Bone Button	Mammal Bone	Historic Clothing	1	0.3	1/2" diameter fixed shank bone button
15.001	II-4	88-93	Aqua Bottle Fragment	Glass	Historic Container	2	1.9	
TOTAL NUMBER AND WEIGHT OF ARTIFACTS						19	41.7	

cmbd= cm below datum, TNF=Total number of fragments, WT=Weight in grams



Figure 20. Feature B terrace (view to east)

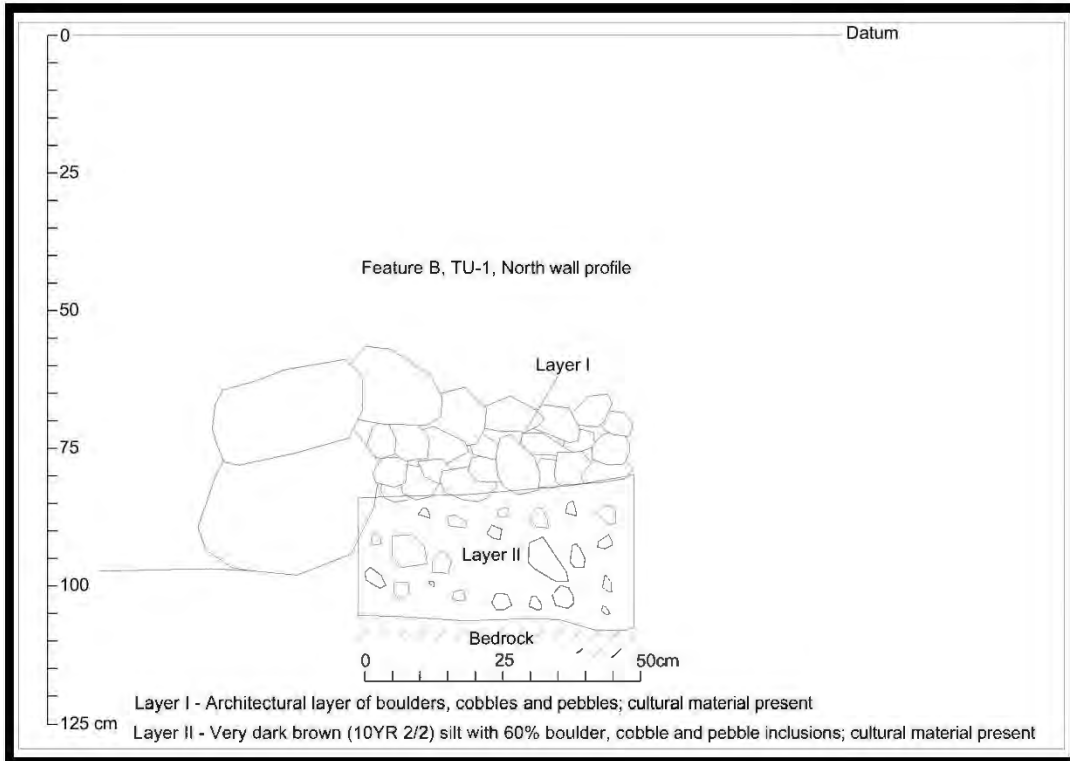


Figure 21. Feature B, TU-1, North wall profile



Figure 22. TU-1, post-excavation photo (view to east)

fragments, porcelain fragments, a square nail, marine shell, reef rubble amber, and aqua, cobalt, olive, purple and colorless glass bottle fragments. The midden recovered from TU-1 is presented in **Table 4** and the artifacts are presented in **Table 5**.

Layer II consists of 0.21 to 0.28 meters (80-107 cmbd) of very dark brown (10YR 2/2) silt with 60% boulder, cobble and pebble inclusions. Cultural material from Layer II consists of white earthenware fragments, stoneware fragments, a porcelain ceramics fragment, window glass, a steel can fragment, square and wire nails, an iron tack, a metal fishhook, a 30 caliber bullet, a ceramic button, a slate fragment, three volcanic glass flakes and aqua, amber, olive, purple and colorless bottle glass fragments.

Feature C is an alignment of boulders and cobbles located to the east of Feature B. The alignment is 2.6 meters long (east-northeast by west-southwest). 0.15 to 0.3 meters wide and 0.05 to 0.1 meters high (**Figure 23**). The alignment is located in an area of level soil with scattered surface cobbles and pebbles. No cultural material was found in direct association with the alignment.

Feature D is a roughly rectangular excavation that has been dug into the pahoehoe bedrock to the south of Feature C. It measures 1.8 meters long (northeast by southwest) and 1.5 meters wide (**Figure 24**). The interior of the excavation is filled with boulders, cobbles branches from *kiawe* trees. The excavation is a minimum of 0.7 meters in depth but its maximum depth is unknown. No cultural material is present.

Feature E is a cobble and pebble pavement that extends throughout the project area. The pavement covers the majority of the parcel (48.0 to 52.0 meters long northeast by southwest and 24.0 to 47.0 meters wide) except for areas of exposed pahoehoe outcrop and sand. The paving is in excellent condition along the south and west walls of the property (**Figure 25** and **Figure 26**), although it is covered by leaf litter along the north wall.

Table 4. Midden from Feature B, TU-1

Midden from TU-1		Layer I-1		Layer II-2		Total	
		57-87 cmbd		80-107 cmbd		57-107 cmbd	
		TNF	WT	TNF	WT	TNF	WT
MARINE INVERTEBRATES							
GASTROPODA	Conidae	1	14.6			1	14.6
	Cypraeidae	2	9.5			2	9.5
	Littorinidae			1	0.1	1	0.1
	Nacellidae <i>Cellana</i> sp.	1	0.2	37	20.0	38	20.2
	Neritidae <i>Nerita picea</i>	1	0.7	5	0.9	6	1.6
	Neritidae <i>Neripteron neglectum</i>			1	0.2	1	0.2
BIVALVIA	Isognomonidae <i>Isognomon</i> sp.			2	0.2	2	0.2
MISC.	Reef Rubble	9	23.7	74	44.1	83	67.8
ECHINOIDEA	Echinometridae exoskeleton			5	0.5	5	0.5
	Echinometridae <i>Heterocentrotus mammillatus</i>			7	2.1	7	2.1
Total Invertebrates		14	48.7	132	68.1	146	116.8
MARINE VERTEBRATES							
	Fish, cranial			3	0.4	3	0.4
	Fish, post-cranial			11	2.3	11	2.3
	Balistidae (Triggerfish)			1	0.1	1	0.1
Total Marine Vertebrates		0	0	15	2.8	15	2.8
TERRESTRIAL VERTEBRATES							
MAMMALIA	Undetermined Mammal			4	1.2	4	1.2
	Suidae <i>Sus scrofa</i> (pig)			1	0.1	1	0.1
	Canidae <i>Canis familiaris</i> (dog)			4	1.1	4	1.1
	Muridae <i>Rattus exulans</i> (Polynesian rat)			1	0.1	1	0.1
	Undetermined Avian			2	0.1	2	0.1
Total Terrestrial Vertebrates		0	0	12	2.6	12	2.6
MACROFLORAL							
	<i>Aleurites moluccana</i> (unburned <i>Kukui</i> nutshell)			11	6.1	11	6.1
	Charred wood			7	0.3	7	0.3
Total Macrofloral		0	0	18	6.4	18	6.4
TOTAL		14	48.7	177	79.9	191	128.6

cmbd= cm below datum, TNF=Total number of fragments, WT=Weight in grams

Table 5. Artifacts from Feature B, TU-1

Acc. No.	Layer-Level	Depth cmbd	Specimen	Material	Type	TNF	Weight (grams)	Comment
10.001	I-1	57-87	White Earthenware Plate	Ceramic	Historic Tableware	2	5.8	fragments of plate of indeterminate size decorated with pink annular band and handpainted blue and green floral motif
10.002	I-1	57-87	White Earthenware Fragment	Ceramic	Historic Tableware	1	3.3	fragment decorated with handpainted floral motif with green leaves on black stems
10.003	I-1	57-87	White Earthenware Fragment	Ceramic	Historic Tableware	1	1.5	fragment decorated with sponge painted pink floral motif
10.004	I-1	57-87	White Earthenware Fragment	Ceramic	Historic Tableware	1	1.1	fragment decorated with handpainted blue and green floral motif
10.005	I-1	57-87	White Earthenware Fragment	Ceramic	Historic Tableware	1	5.4	fragment decorated with handpainted blue annular band
10.006	I-1	57-87	White Earthenware Fragment	Ceramic	Historic Tableware	12	32.6	undecorated body sherds
10.007	I-1	57-87	Porcelain Fragment	Ceramic	Historic Tableware	4	12.3	fragments of celadon porcelain of indeterminate vessel type
10.008	I-1	57-87	Porcelain Fragment	Ceramic	Historic Tableware	1	9.0	fragment of undecorated white porcelain of indeterminate vessel type
10.009	I-1	57-87	Amber Bottle Fragment	Glass	Historic Container	2	5.5	
10.010	I-1	57-87	Aqua Bottle Fragment	Glass	Historic Container	1	4.8	
10.011	I-1	57-87	Cobalt Bottle Fragment	Glass	Historic Container	1	2.4	
10.012	I-1	57-87	Colorless Bottle Fragment	Glass	Historic Container	6	9.5	
10.013	I-1	57-87	Olive Bottle Fragment	Glass	Historic Container	1	4.2	
10.014	I-1	57-87	Purple Bottle Fragment	Glass	Historic Container	7	12.9	
10.015	I-1	57-87	Square Nail	Iron	Historic Hardware	2	13.7	2.5" length square nails
11.001	II-2	80-107	White Earthenware Fragment	Ceramic	Historic Tableware	1	1.0	fragment of indeterminate vessel type decorated with handpainted black and blue annular bands
11.002	II-2	80-107	White Earthenware Fragment	Ceramic	Historic Tableware	1	0.6	fragment of indeterminate vesse type decorated with handpainted green design of probable floral motif
11.003	II-2	80-107	White Earthenware Fragment	Ceramic	Historic Tableware	20	38.4	undecorated body sherds; 1 fragment with portion of indeterminate maker's mark "E-"
11.004	II-2	80-107	Stoneware Bottle	Ceramic	Historic Container	1	0.3	fragment of stout or ale bottle
11.005	II-2	80-107	Stoneware Fragment	Ceramic	Historic Tableware	1	0.2	body sherds of indeterminate vessel type with dark brown slip
11.006	II-2	80-107	Porcelain Fragment	Ceramic	Historic Tableware	1	0.7	fragment of celadon porcelain of indeterminate vessel type
11.007	II-2	80-107	Aqua Bottle Fragment	Glass	Historic Container	2	20.0	fragments of sunken panel patent medicine bottle embossed "MA--" and "--G WE--"
11.008	II-2	80-107	Aqua Bottle Fragment	Glass	Historic Container	1	1.8	
11.009	II-2	80-107	Amber Bottle Fragment	Glass	Historic Container	2	1.0	
11.010	II-2	80-107	Colorless Bottle Fragment	Glass	Historic Container	5	6.0	
11.011	II-2	80-107	Olive Bottle Fragment	Glass	Historic Container	1	5.0	
11.012	II-2	80-107	Purple Bottle Fragment	Glass	Historic Container	9	7.8	
11.013	II-2	80-107	Window Glass	Glass	Historic Building	3	1.4	
11.014	II-2	80-107	Can Fragment	Steel	Historic Container	5	7.8	
11.015	II-2	80-107	Square Nail	Iron	Historic Hardware	1	18.0	4.5" length
11.016	II-2	80-107	Square Nail	Iron	Historic Hardware	2	15.1	3.25" length
11.017	II-2	80-107	Square Nail	Iron	Historic Hardware	9	41.4	2.5" length
11.018	II-2	80-107	Square Nail	Iron	Historic Hardware	1	2.6	2" length
11.019	II-2	80-107	Square Nail Fragment	Iron	Historic Hardware	21	20.1	
11.020	II-2	80-107	Tack	Iron	Historic Hardware	1	0.4	1 5/8" length tack
11.021	II-2	80-107	Wire Nail Fragment	Iron	Historic Hardware	1	4.0	
11.022	II-2	80-107	Wire	Steel	Historic Material	1	2.6	6" length fragment of wire of indeterminate gauge
11.023	II-2	80-107	Fishhook	Steel	Historic Tool	1	1.2	metal fishhook measuring 1.25" by .75"
11.024	II-2	80-107	.30 Caliber Bullet	Lead	Historic Armament	1	3.6	
11.025	II-2	80-107	Prosser Button	Ceramic	Historic Clothing	1	0.6	1/2" diameter 4 hole sew through sunken panel prosser button (post 1840: www.jstor.org/stable/25616995)
11.026	II-2	80-107	Writing Slate	Slate	storic Communicati	2	2.5	
11.027	II-2	80-107	Tertiary Flake	Volcanic Glass	Debitage	3	3.1	
TOTAL NUMBER AND WEIGHT OF ARTIFACTS						141	331.2	

cmbd=cm below datum, TNF=Total number of fragments



Figure 23. Feature C alignment (view to east)



Figure 24. Feature D excavation (view to south)



Figure 25. Feature E pavement showing Feature G enclosure walls (view to north-northwest)



Figure 26. Feature E pavement showing Feature G enclosure walls (view to north)

A series of seven 0.25 meter square shovel probes (SP-1 through SP-7) were excavated throughout the project area (see **Figure 13**). SP-1, SP-2, SP-3 and SP-5 were excavated in areas of surface pavement and SP-7 was excavated in an area of leaf litter that conceals surface pavement. SP-4 and SP-6 were excavated into areas of sand. All seven shovel probes revealed a single deposit overlying bedrock. Profiles and photographs of the probes are depicted in **Figure 27** and **Figure 28**.

The five shovel probes excavated into the paved areas ranged in depth from 0.11 to 0.45 meters, revealed an architectural layer of cobbles and pebbles. The two probes excavated into sand areas consisted of 0.1 to 0.25 meters of black (10YR 2/1) sandy silt with 30 to 60 % cobble and pebble inclusions.

A variety of cultural material was recovered from the shovel probes. The midden from the shovel probes are summarized in **Table 6** and the artifacts are presented in **Table 7**. Historic material consist of white earthenware fragments, stoneware and porcelain fragments, mochaware fragments, a glass marble, metal can fragments, a zinc jar lid, window glass, square nails, brass straps, a brass ring, a brass shoe eyelet, cast iron stove fragments, metal and bronze fragments, black plastic, writing slate fragments, and aqua, amber, cobalt, green olive, purple and colorless bottle glass fragments. Indigenous cultural material was also recovered consisting of marine shell, urchin fragments and spines, fish, dog, rat and undetermined mammal bones, and charcoal. Unburned *kukui* nutshells and cow bones were also recovered.

Feature F consists of three concrete postholes located along the southeastern side of the parcel. These postholes are labeled Features F-1, F-2 and F-3 on **Figure 13**. The concrete features were poured in place and measure 0.35 to 0.4 meters in diameter with a 4 by 4 inch hole in them (**Figure 29**). No cultural material was found in association with these features.

Feature G consists of the stone enclosure that extends around the perimeter of the project area (see **Figure 13**). The enclosure measures 48.0 to 52.0 meters long (northeast by southwest) and 24.0 to 47.0 meters wide with entrances present along the north (3.7 meters wide) and east (1.3 meters wide) sides. The enclosure walls are constructed of stacked and faced boulders and cobbles with a core-filled cobble interior. The walls are 0.85 to 1.1 meters wide and 0.7 to 1.1 meters in height. Historic debris is scattered along the base of the enclosure wall, although no cultural material is present on the feature. Overviews of the enclosure walls are presented in **Figure 25**, **Figure 26**, and **Figure 30**.

Site 31025 is interpreted as an historic house complex. The large Feature A terrace likely served as the foundation for an historic house, although no remnants of the surface structure remain except for a variety of architectural hardware. This interpretation is based on its formal type and area (1,775 sq meters). The Feature B terrace and the Feature C alignment likely served as activity areas and the Feature D excavation may represent a well or possible latrine. The Feature E pavement represents an associated living area and the Feature G enclosure defined the boundaries of the property and potentially prevented grazing livestock from entering the parcel. The Feature F concrete postholes provided support for an unknown structure. The site's integrity is altered and it is in poor to fair condition. The site is assessed as significant per HAR §13-284-6 under Criterion d (information content) and is recommended for no further work.

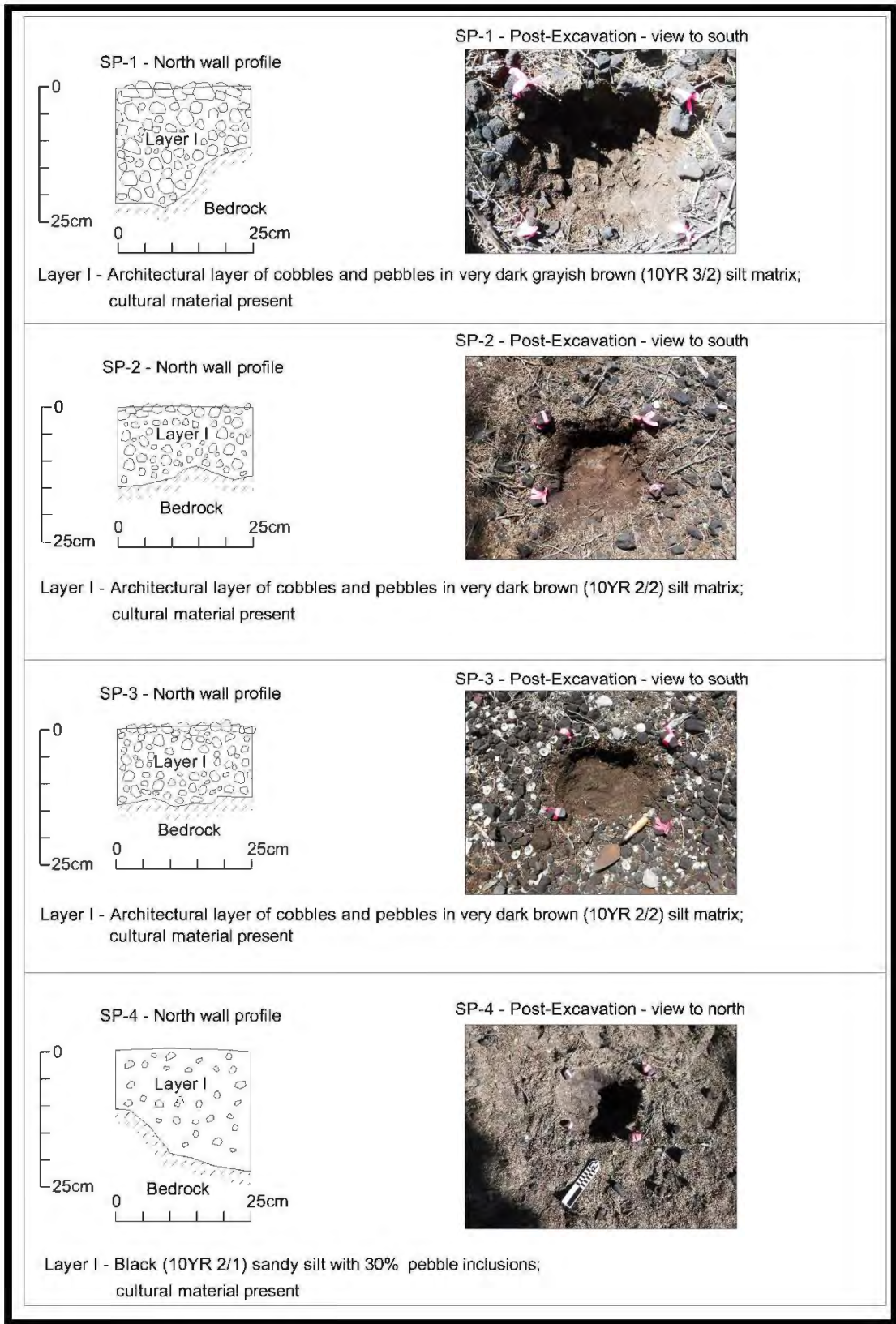


Figure 27. Feature E, Profiles of SP-1 through SP-4

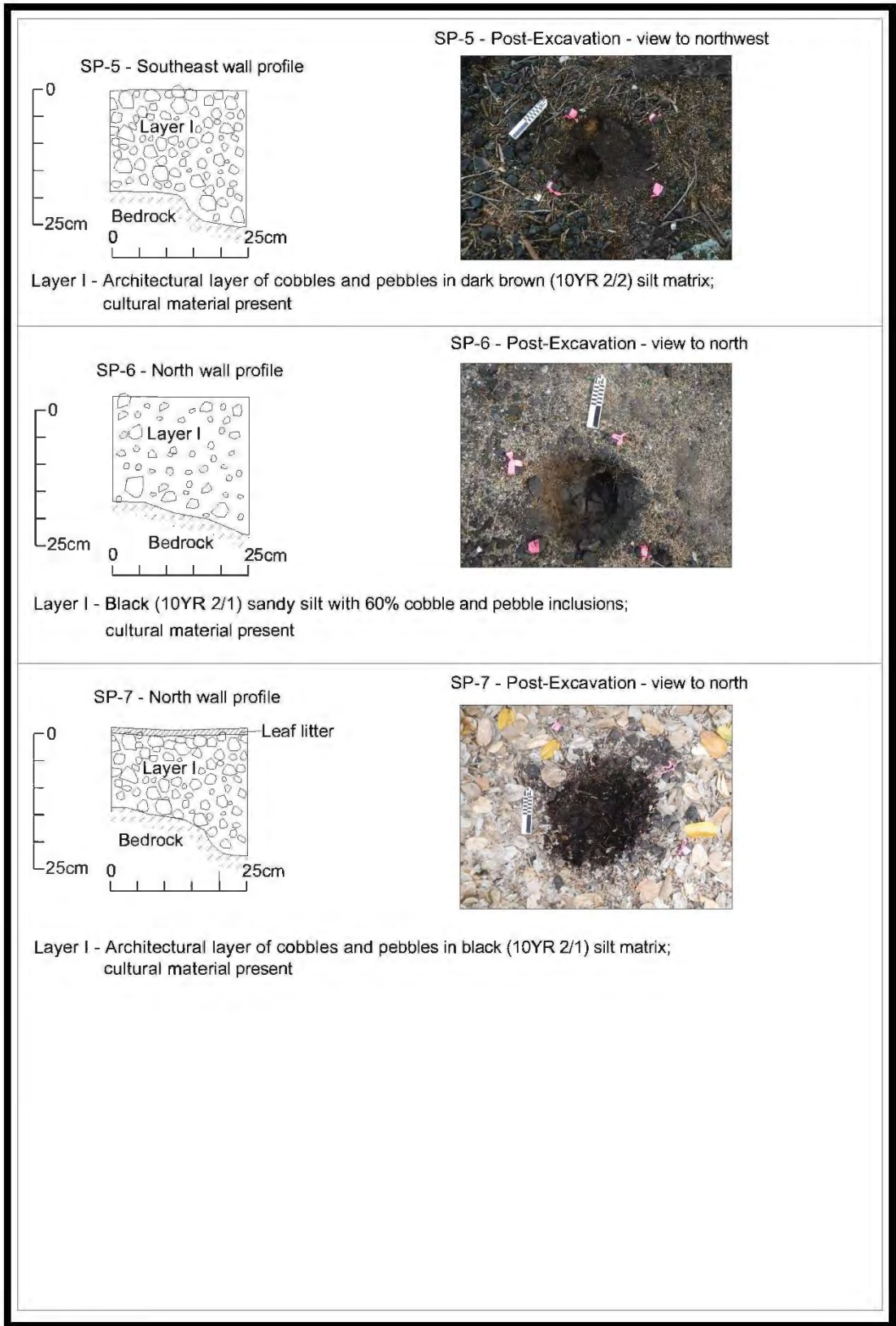


Figure 28. Feature E, profiles of SP-5 through SP-7

Table 6. Midden from Feature E shovel probes

Midden from Feature E shovel probes	SP-1		SP-2		SP-3		SP-4		SP-5		SP-6		SP-7						Total	
	Layer I-1 0-22 cmb		Layer I-1 0-16 cmb		Layer I-1 0-14 cmb		Layer I-1 0-22 cmb		Layer I-1 0-25 cmb		Layer I-1 0-25 cmb		Layer I-1 0-20 cmb		Layer I-2 20-40 cmb		Layer I-3 40-45 cmb		0-45 cmb	
	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT	TNF	WT
MARINE INVERTEBRATES																				
GASTROPODA																				
Conidae	4	9.8	2	3.9	4	1.5								1	0.5	2	1.6	13	17.3	
Cypraeidae	4	3.2	2	1.3	12	12.1	1	0.2					4	6.4	1	1.1	1	0.8	25	25.1
Cypraeidae <i>Mauritia</i> sp.					1	0.4	1	0.1			8	31.7						10	32.2	
Ellobiidae																		0	0.0	
Littorinidae					2	0.2	1	0.1					1	0.1				4	0.4	
Littorinidae <i>Littoraria pinctada</i>			1	0.1														1	0.1	
Muricidae	2	0.4			2	0.7							1	0.3	3	3.6		8	5.0	
Muricidae <i>Drupa morum</i>									1	17.2								1	17.2	
Muricidae <i>Drupa ricinus</i>	1	0.9			1	1.2												2	2.1	
Muricidae <i>Drupa rubusidaea</i>	1	0.2																1	0.2	
Muricidae <i>Morula granulata</i>			1	0.4												1	0.9	2	1.3	
Muricidae <i>Thais aperta</i>			1	0.4	1	0.2												2	0.6	
Nacellidae <i>Cellana</i> sp.	4	0.7	26	8.7	65	35.1	3	0.6			1	0.7	13	5.3	13	6.3	8	2.4	133	59.8
Neritidae							5	0.5										5	0.5	
Neritidae <i>Nerita picea</i>	1	0.3	3	0.7	12	2.3			1	0.1			6	1.1	6	1.2		29	5.7	
Planaxidae													1	0.1				1	0.1	
Trochidae					1	0.1							2	0.5				3	0.6	
BIVALVIA																				
Isognomonidae <i>Isognomon</i> sp.	1	0.5													2	0.4	3	0.2	6	1.1
Veneridae <i>Antigona reticulata</i>			2	0.5									1	0.2				3	0.7	
MISC.																				
Reef Rubble	200	307.6	83	125.9	479	410.0	38	8.7	3	0.8	6	1.7	51	18.4	111	50.8	24	12.5	995	936.4
ECHINOIDEA																				
Echinometridae exoskeleton			20	2.1			1	0.1	1	0.1	4	0.6	3	0.1	1	0.2		30	3.2	
Echinometridae spine							1	0.1										1	0.1	
Echinometridae <i>Heterocentrotus mammillatus</i>			1	0.3			7	1.8			6	2.7			1	0.3		15	5.1	
Echinometridae <i>Colobocentrotus atratus</i>					1	0.1	1	0.3										2	0.4	
Total Invertebrates	218	323.6	142	144.3	581	463.9	59	12.5	6	18.2	25	37.4	82	32.4	140	64.5	39	18.4	300	356.0
MARINE VERTEBRATES																				
Fish, cranial								1	0.1				1	0.1	1	0.2			3	0.4
Fish, post-cranial					1	0.1									1	0.1	1	0.1	3	0.3
Total Marine Vertebrates	0	0	0	0	1	0.1	0	0	1	0.1	0	0	1	0.1	2	0.3	1	0.1	6	0.7
TERRESTRIAL VERTEBRATES																				
MAMMALIA																				
Undetermined Mammal			1	0.3	3	0.8	10	3.0	1	0.1			1	0.1	8	7.7	2	1.7	26	13.7
Bovidae (cow or goat)															2	1.3	1	0.4	3	1.7
Canidae <i>Canis familiaris</i> (dog)											1	0.4						1	0.4	
Muridae <i>Rattus exulans</i> (Polynesian rat)																	1	0.1	1	0.1
Total Terrestrial Vertebrates	0	0	1	0.3	3	0.8	10	3.0	1	0.1	1	0.4	1	0.1	10	9	4	2.2	31	15.9
MACROFLORAL																				
<i>Aleurites moluccana</i> (unburned <i>Kukui</i> nutshell)			2	0.8	11	1.7	1	0.2					2	1.6			2	1.3	18	5.6
Charred wood	2	0.2	5	0.3	3	0.2	10	0.6							2	0.1	2	0.5	24	1.9
Total Macrofloral	2	0.2	7	1.1	14	1.9	11	0.8	0	0	0	0	2	1.6	2	0.1	4	1.8	42	7.5
TOTAL	220	323.8	150	145.7	599	466.7	80	16.3	8	18.4	26	37.8	86	34.2	154	73.9	48	22.5	379	380.1

cmbd= cm below datum, TNF=Total number of fragments, WT=Weight in grams

Table 7. Artifacts from Feature E shovel probes

Acc. No.	Shovel Probe	Layer-Level	Depth cmbd	Specimen	Material	Type	TNF	Weight	Size Range	Length mm	Width mm	Thickness mm	Comment
1.001	SP-1	I-1	0-22	White Earthenware Plate	Ceramic	Historic Tableware	2	2.4					fragments of plate of indeterminate size decorated with blue annular band around rim and sponge painted pink and green floral motif
1.002	SP-1	I-1	0-22	White Earthenware Plate	Ceramic	Historic Tableware	1	0.8					rim fragment of plate of indeterminate size decorated with black on white transfer print with floral motif
1.003	SP-1	I-1	0-22	White Earthenware Fragment	Ceramic	Historic Tableware	1	0.2					fragment of indeterminate vessel type with blue decoration
1.004	SP-1	I-1	0-22	White Earthenware Fragment	Ceramic	Historic Tableware	1	0.7					fragment of indeterminate vessel type with 2 parallel brown annular bands
1.005	SP-1	I-1	0-22	White Earthenware Fragment	Ceramic	Historic Tableware	11	13.7					undecorated body sherds
1.006	SP-1	I-1	0-22	Stoneware Fragment	Ceramic	Historic Tableware	6	9.9					body sherds of indeterminate vessel type with dark brown slip
1.007	SP-1	I-1	0-22	Porcelain Fragment	Ceramic	Historic Tableware	5	3.5					rim and body sherds of indeterminate vessel type with white body and blue floral and geometric designs
1.008	SP-1	I-1	0-22	Porcelain Fragment	Ceramic	Historic Tableware	1	4.4					fragment of indeterminate vessel type with grey body and blue hand painted decoration
1.009	SP-1	I-1	0-22	Aqua Bottle Fragment	Glass	Historic Container	2	1.0					
1.010	SP-1	I-1	0-22	Amber Bottle Fragment	Glass	Historic Container	16	19.9					
1.011	SP-1	I-1	0-22	Cobalt Bottle Fragment	Glass	Historic Container	1	0.3					
1.012	SP-1	I-1	0-22	Colorless Bottle Fragment	Glass	Historic Container	20	15.3					
1.013	SP-1	I-1	0-22	Olive Bottle Fragment	Glass	Historic Container	3	3.0					
1.014	SP-1	I-1	0-22	Purple Bottle Fragment	Glass	Historic Container	8	7.2					
1.015	SP-1	I-1	0-22	Can Fragment	Steel	Historic Container	36	13.4					body and seam fragments of cans with crimped seams and friction lids
1.016	SP-1	I-1	0-22	Square Nail Fragment	Iron	Historic Hardware	1	1.6					
1.017	SP-1	I-1	0-22	<i>Porites</i> sp. Abrader	Coral	Expedient Tool	1	3.3		27.1	17.6	12.0	waterworn pebble with 1 abraded facet
1.018	SP-1	I-1	0-22	<i>Porites</i> sp. File	Coral	Informal Tool	1	0.4		12.5	7.3	7.5	tip fragment of file with 3 abraded facets tapering to a rounded end
1.019	SP-1	I-1	0-22	Waterworn Pebble	Basalt	Manuport	3	48.4					
2.001	SP-2	I-1	0-16	White Earthenware Plate	Ceramic	Historic Tableware	1	2.9					rim fragment of plate of indeterminate size decorated with blue annular band around rim
2.002	SP-2	I-1	0-16	White Earthenware Fragment	Ceramic	Historic Tableware	31	54.8					undecorated body sherds
2.003	SP-2	I-1	0-16	Mochaware Fragment	Ceramic	Historic Tableware	1	3.0					body fragment of mochaware with yellow slip that matches other fragments on site decorated with dendritic tree design (1790s-1939: www.colonialsense.com/Antiques/Other_Antiques/Mochaware.php)
2.004	SP-2	I-1	0-16	Marble Fragment	Ceramic	Historic Gaming Piece	1	9.7					fragment of 27mm diameter clay marble produced in either Germany or US (mid 1800s-early 1900s: www.marblecollecting.com)
2.005	SP-2	I-1	0-16	Amber Bottle Fragment	Glass	Historic Container	4	4.0					
2.006	SP-2	I-1	0-16	Cobalt Bottle Fragment	Glass	Historic Container	6	2.5					
2.007	SP-2	I-1	0-16	Colorless Bottle Fragment	Glass	Historic Container	2	1.1					
2.008	SP-2	I-1	0-16	Olive Bottle Fragment	Glass	Historic Container	10	16.1					
2.009	SP-2	I-1	0-16	Purple Bottle Fragment	Glass	Historic Container	14	8.6					
2.010	SP-2	I-1	0-16	Colorless Lighting Glass	Glass	Historic Lantern	2	0.2					
2.011	SP-2	I-1	0-16	Window Glass	Glass	Historic Building	1	2.5					
2.012	SP-2	I-1	0-16	Can Fragment	Steel	Historic Container	15	3.8					body fragments of cans
2.013	SP-2	I-1	0-16	Brass Strap	Brass	Historic Hardware	1	0.5					2" length fragment of 3/8" width strap with 3 perforations; probable decorative hardware
2.014	SP-2	I-1	0-16	Square Nail Fragment	Iron	Historic Hardware	1	1.2					
2.028	SP-2	I-1	0-16	Waterworn Pebble	Basalt	Manuport	16	32.8					waterworn pebbles ranging in diameter from 6-21mm
3.001	SP-3	I-1	0-14	White Earthenware Fragment	Ceramic	Historic Tableware	4	7.0					body fragments of indeterminate vessel types sponge decorated with pink, yellow, blue and
3.002	SP-3	I-1	0-14	White Earthenware Fragment	Ceramic	Historic Tableware	1	3.3					fragment decorated with handpainted floral motif of blue flowers with green leaves on black stems
3.003	SP-3	I-1	0-14	White Earthenware Fragment	Ceramic	Historic Tableware	1	1.3					fragment decorated with blue annular band
3.004	SP-3	I-1	0-14	White Earthenware Fragment	Ceramic	Historic Tableware	7	8.0					undecorated body sherds
3.005	SP-3	I-1	0-14	Porcelain Fragment	Ceramic	Historic Tableware	2	2.3					fragments of celadon porcelain of indeterminate vessel type
3.006	SP-3	I-1	0-14	Stoneware Fragment	Ceramic	Historic Tableware	8	5.0					body sherds of indeterminate vessel type with dark brown slip
3.007	SP-3	I-1	0-14	Stoneware Bottle	Ceramic	Historic Container	1	1.1					fragment of stout or ale bottle
3.008	SP-3	I-1	0-14	Aqua Bottle Fragment	Glass	Historic Container	6	25.8					one fragment embossed "WORKS C."
3.009	SP-3	I-1	0-14	Amber Bottle Fragment	Glass	Historic Container	2	1.5					
3.010	SP-3	I-1	0-14	Cobalt Bottle Fragment	Glass	Historic Container	2	0.8					
3.011	SP-3	I-1	0-14	Colorless Bottle Fragment	Glass	Historic Container	6	2.3					

Table 7. Artifacts from Feature E shovel probes (cont.)

Acc. No.	Shovel Probe	Layer-Level	Depth cmbd	Specimen	Material	Type	TNF	Weight	Size Range	Length mm	Width mm	Thickness mm	Comment	
3.012	SP-3	I-1	0-14	Green Bottle Fragment	Glass	Historic Container	1	0.1						
3.013	SP-3	I-1	0-14	Olive Bottle Fragment	Glass	Historic Container	2	5.4						
3.014	SP-3	I-1	0-14	Purple Bottle Fragment	Glass	Historic Container	4	4.4						
3.015	SP-3	I-1	0-14	Window Glass	Glass	Historic Building	1	1.0						
3.016	SP-3	I-1	0-14	Jar Lid	Zinc	Historic Container	2	0.4					fragments of threaded canning jar lid	
3.017	SP-3	I-1	0-14	Shoe Eyelet	Brass	Historic Clothing	1	0.1					5/8" diameter eyelet from shoe or boot	
3.018	SP-3	I-1	0-14	Brass Strap	Brass	Historic Hardware	1	1.0					9/16" width strap of indeterminate length (crumpled)	
3.019	SP-3	I-1	0-14	Brass Ring	Brass	Historic Hardware	1	0.8					3/4" diameter ring	
3.020	SP-3	I-1	0-14	Square Nail Fragment	Iron	Historic Hardware	7	13.9						
3.021	SP-3	I-1	0-14	Cast Iron Stove	Iron	Historic Cooking	5	147.2						
3.022	SP-3	I-1	0-14	Iron Fragments	Iron	Historic	56	23.9					majority are probable small fragments of stove	
3.023	SP-3	I-1	0-14	Bronze Ferrule	Bronze	Historic Decoration	1	6.4					1" length bronze ferrule decorated with asian fretwork motif and possible dragon with 3/8"	
3.024	SP-3	I-1	0-14	Writing Slate	Slate	Historic Communication	1	0.6						
3.025	SP-3	I-1	0-14	Porites sp. Abrader	Coral	Expedient Tool	1	2.0		18.5	17.6	7.4	waterworn pebble with 1 abraded facet	
3.026	SP-3	I-1	0-14	Porites sp. Abrader	Coral	Expedient Tool	1	1.1		16.2	12.2	8.0	waterworn pebble with 1 abraded facet	
3.027	SP-3	I-1	0-14	Porites sp. Abrader	Coral	Expedient Tool	1	0.9		12.4	11.8	7.9	waterworn pebble with 1 abraded facet	
3.028	SP-3	I-1	0-14	Porites sp. Abrader	Coral	Expedient Tool	1	0.7		11.0	11.2	6.4	waterworn pebble with 1 abraded facet	
3.044	SP-3	I-1	0-14	Waterworn Pebble	Basalt	Manuport	1	15.0						
3.045	SP-3	I-1	0-14	Waterworn Pebble	Basalt	Manuport	80	198.9					waterworn pebbles ranging in diameter from 6-35mm	
4.001	SP-4	I-1	0-22	Colorless Bottle Fragment	Glass	Historic Container	3	0.9						
4.002	SP-4	I-1	0-22	Can Fragment	Steel	Historic Container	1	2.3						
5.001	SP-5	I-1	0-25	White Earthenware Bowl	Ceramic	Historic Tableware	1	5.0					bowl fragment with handpainted blue annular band and brown decoration on exterior	
5.002	SP-5	I-1	0-25	White Earthenware Fragment	Ceramic	Historic Tableware	5	10.2					undecorated body sherds	
5.003	SP-5	I-1	0-25	Amber Bottle Fragment	Glass	Historic Container	1	0.5						
5.004	SP-5	I-1	0-25	Colorless Bottle Fragment	Glass	Historic Container	2	4.9						
5.005	SP-5	I-1	0-25	Purple Bottle Fragment	Glass	Historic Container	1	1.4						
5.006	SP-5	I-1	0-25	Window Glass	Glass	Historic Building	9	2.9						
6.001	SP-6	I-1	0-25	Colorless Bottle Fragment	Glass	Historic Container	4	1.2						
7.001	SP-7	I-1	0-20	White Earthenware Fragment	Ceramic	Historic Tableware	6	32.4					undecorated body sherds	
7.002	SP-7	I-1	0-20	Amber Beer Bottle	Glass	Historic Container	3	3.4					fragments of stubby Primo bottle embossed with stippling and "TO BE R-" (not to be refilled) on	
7.003	SP-7	I-1	0-20	Aqua Bottle Fragment	Glass	Historic Container	2	1.5						
7.004	SP-7	I-1	0-20	Green Bottle/Jug	Glass	Historic Container	8	163.2					fragments of large bottle or jug with 4.5" diameter base embossed " (50 -- Fl. Oz) " on side just above	
7.005	SP-7	I-1	0-20	Colorless Bottle Fragment	Glass	Historic Container	1	0.7						
7.006	SP-7	I-1	0-20	Metal Fragment	Iron	Historic Hardware	1	0.7						
8.001	SP-7	I-2	20-40	White Earthenware Fragment	Ceramic	Historic Tableware	4	11.8						
8.002	SP-7	I-2	20-40	Amber Beer Bottle	Glass	Historic Container	4	7.1					fragments of stubby Primo bottle embossed with stippling (post 1935:	
8.003	SP-7	I-2	20-40	Amber Bottle Fragment	Glass	Historic Container	2	3.0						
8.004	SP-7	I-2	20-40	Aqua Bottle Fragment	Glass	Historic Container	2	1.7						
8.005	SP-7	I-2	20-40	Black Plastic	Plastic	Historic Material	5	1.5					fragments of lightweight black plastic that is flat with stippling on both surfaces	
8.006	SP-7	I-2	20-40	Writing Slate	Slate	Historic Communication	3	0.9						
8.007	SP-7	I-2	20-40	Tertiary Flake	Volcanic Glass	Debitage	1	0.2	M					
9.001	SP-7	I-3	40-45	White Earthenware Plate	Ceramic	Historic Tableware	4	15.6						
9.002	SP-7	I-3	40-45	Stoneware Fragment	Ceramic	Historic Tableware	1	2.2					body sherds of indeterminate vessel type with dark brown slip	
9.003	SP-7	I-3	40-45	Amber Beer Bottle	Glass	Historic Container	1	0.3					fragment of stubby Primo bottle (post 1935: sha.org/bottle/beer.htm#Stubby%20styles)	
9.004	SP-7	I-3	40-45	Green Bottle Fragment	Glass	Historic Container	2	0.3						
9.005	SP-7	I-3	40-45	Can Fragment	Steel	Historic Container	1	0.6						
9.006	SP-7	I-3	40-45	Primary Flake	Volcanic Glass	Debitage	1	1.7	M					
TOTAL NUMBER AND WEIGHT OF ARTIFACTS							513	1053.4						

cmbd= cm below datum, TNF=Total number of fragments, WT=Weight in grams, Size range= M (Medium)



Figure 29. Feature F-2 concrete posthole (view to north)



Figure 30. Feature G enclosure wall (view to east)

CONCLUSION

Discussion

The archaeological inventory survey results conform to the expectations derived from historical and archaeological background research. This research indicated that sites in the parcel would likely be limited to historic remains most probably associated with historic habitation. The Site 31025 complex is interpreted as a historic residential complex comprised of a house foundation, associated activity areas (Features B, C and E), a possible well or latrine (Feature D), three concrete postholes that supported an undetermined structure (Feature F) and an enclosure that surrounds the project area.

No LCAs are present in the project area; however, **Figure 7** indicates that the project area was applied for by Waiau as Lot G, and **Figure 9** depicts a house in the project area. Waiau was awarded LCA 10375B in the interior of Ho'okena Ahupua'a inland of the Hawai'i Belt Road (see **Figure 4**). It is possible that the project area was used as a coastal house lot by Waiau in conjunction with his upland agricultural parcel.

A variety of historic artifacts were collected from the surface of the project area by the landowner. Research into dates of manufacture indicates that selected artifacts may have been made as early as 1846 and as late as 1919. This suggests that the historic use of Site 31025 potentially spanned the late 19th to early 20th Century.

Significance Assessments

The site identified during the survey is assessed for significance based on Hawai'i Administrative Rules (HAR) §13-284-6. According to (HAR) §13-284-6 (b), a site must possess integrity of location, design, setting, materials, workmanship, feeling, and/or association and shall meet one or more of the following criteria:

1. **Criterion "a"**: Be associated with events that have made an important contribution to the broad patterns of our history;
2. **Criterion "b"**: Be associated with the lives of persons important in our past;
3. **Criterion "c"**: Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value;
4. **Criterion "d"**: Have yielded, or is likely to yield, information important for research on prehistory or history; and
5. **Criterion "e"**: Have an important traditional cultural value to the native Hawaiian people or to another ethnic group of the state due to associations with traditional cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.

The site in the project area possesses integrity of location, design, setting, materials, and workmanship. It is assessed as significant under Criterion "d". The site has yielded information important for understanding historic habitation in the area.

Treatment Recommendations

This AIS was prepared in support of a CDUP application prepared for the DLNR. The mapping, written description and photography of the Site 31025 complex adequately document it and no further work or preservation is recommended. The landowner plans to construct a single family residence within the project area; however, the exact location of the proposed structure has not been determined. The proposed project will consist of mechanically grading the parcel. This activity will have no effect on historic properties because Site 31025 requires no further work or preservation.

TRANSLATION OF HAWAIIAN WORDS¹

ahupua'a - traditional Hawaiian land unit usually extending from the uplands to the sea

ali'i - Chief, chiefess, ruler, monarch, headman, noble, aristocrat, king, queen, commander

heiau - Pre-Christian place of worship, shrine

ili – land section

kupuna – ancestor, relative or close friend of the grandparent's generation

konohiki - headman of an *ahupua'a* land division under the chief

kuleana - small piece of property, as within an *ahupua'a*

Māhele - land division of 1848

makai - seaward

mauka - inland

mele - song

pahoehoe - smooth, unbroken type of lava, contrasting with *a'ā* lava

¹ - from wehewehe.org

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APPENDIX A – HISTORIC ARTIFACTS COLLECTED BY LANDOWNER

Bottles



Figure 31. Glass medicine bottle fragment

Manufactured by John Wyeth and Brother, Philadelphia (currently operating as Wyeth). Company began manufacturing medicine bottles 1862 (www.oldmainartifacts.wordpress.com)



Figure 32. Portion of Chamberlain's Colic Cholera Diarrhea Remedy

Manufactured by Chamberlain Medicine Company Des Moines, Iowa after 1892. Currently operated as Weeks & Leo company (www.weeksandleo.com).



Figure 33. Portion of a Healy & Bigelow's Kickapoo Indian Sagwa bottle

Manufactured by Healy & Bigelow's Kickapoo Indian Sagwa: post 1882 (www.bottlebooks.com)



Figure 34. Portions of Palmboom C. Meyer & Co. purple glass case gin bottles

Manufactured by Palmboom C. Meyer & Co. between 1885 and 1919 in Schiedam, a town in the Netherlands with multiple gin/genever distilleries. A minimum of 12 bottles present at site. Manufacturing dates based on use of manganese as clarifying agent (www.worthpoint.com)



Figure 35. Portion of Artic Soda Water Works bottle

Base fragment of dark aqua glass Hutchinson bottle with semi-round base from "ARCTIC SODA WATER WORKS/M. R. De SA PROP./HONOLULU H. I." Late 1890's (www.worthpoint.com)



Figure 36. Fragments of cobalt medicine bottles

1895 to present (www.sha.org)



Figure 37. Patent medicine finishes

1895 to present: (www.sha.org)



Figure 38. Various bottle and jar finishes

1895 to present. (www.sha.org)

Ceramics

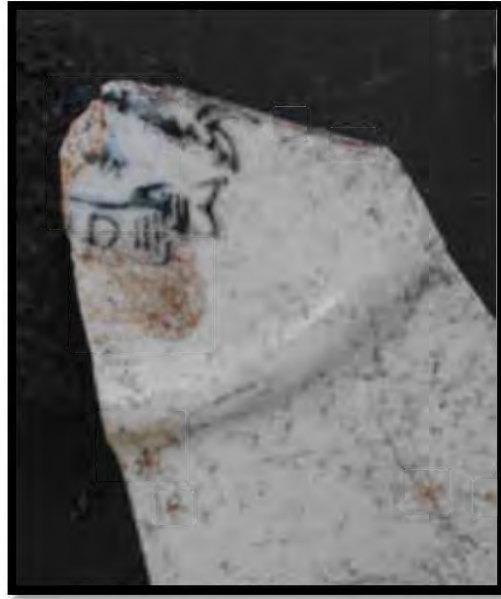


Figure 39. Fragment of Thomas Furnival & Sons glazed ceramic

Thomas Furnival & Sons 1876-1890 (www.furnivals-pottery.weebly.com)



Figure 40. Fragment of George Jones & Sons glazed ceramic

George Jones & Sons 1873-1907 (www.thepotteries.org)



Figure 41. Fragment of Johnson Brothers glazed ceramic
Johnson Brothers 1883-1913 (www.thepotteries.org)



Figure 42. Fragment of Robert Cochran & Co Glasgow glazed ceramic
Robert Cochran & Co Glasgow "operated the Verreville Pottery from 1846-1918" (www.patrimoineculturel.gouv.qc.ca)



Figure 43. Fragment of Denby pottery stoneware bottle

Vitreous Stone Bottles/J. Bourne & Son/Patentees/Denby Pottery./Near Derby./P. & J. Arnold./London./England." ca. 1850-1916 (www.potteryhistories.com)



Figure 44. Fragments of glazed ceramics

post-1845 (www.jefpat.org)



Figure 45. Fragments of porcelain rice bowl, teacup and saucer fragments



Figure 46. Fragments of Celadon/Chinese Winter Green and grey bodied porcelain rice bowls (sha.org)



Figure 47. Fragments of Chinese Double Happiness rice bowl design (sha.org)

Miscellaneous artifacts



Figure 48. Portion of rotary dial pocket watch

Patent 864,467 awarded to Henry. C. Ingraham for watch rotary dial August 27, 1907:
(www.pocketwatchdatabase.com)

Patent 864,822 awarded to Archibald Bannatyne for watch main spring September 3, 1907:
Ingraham Watch Company purchased Bannatyne Company in 1912.



Figure 49. Best Ring Edge button

identical button on Australian Military Uniform Trousers dating to ca. 1899 (www.awm.gov.au)



Figure 50. Wick holder and regulator from burner apparatus for Plume and Atwood kerosene lantern

Patent 135,749 awarded to L. J. Atwood on February 11, 1873 for lamp burner (uspto.gov)

Patent 270,722 awarded to L. J. Atwood on January 16, 1883 for lamp burner (uspto.gov)

Post 1883 based on patent date



Figure 51. Oil lamp crystal from table lamp or hanging lamp



Figure 52. Door knob hardware



Figure 53. Horse shoes



Figure 54. Bails and handles



Figure 55. Fire Badge

"Organized fire protection in Hawai'i County began in 1888 with the formation of volunteer companies using horse-drawn apparatus. The first station was on Kekaulike Street in Hilo. Jack Wilson was the first volunteer fire chief and a steamer and hose wagon the new station" (www.firehouse.com)



Figure 56. Dog tag



Figure 57. Cast iron stove fragments

One of the fragments reads, “-TER ST N.Y.” suggesting it was manufactured in New York’s Stove district on Water Street. (www.stovehistory.blogspot.com)

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 4

Gregg Application for Conservation Subzone Boundary Amendment

DLNR Staff Report (8/23/2013)

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai`i**

August 23, 2013

**Board of Land and
Natural Resources
State of Hawai`i
Honolulu, Hawai`i**

REGARDING: Proposed Rule Amendment HA 13-02
Request for Public Hearing and Small Business Impact
Determination: Petition to Amend Title 13, Chapter 5,
Hawaii Administrative Rules (13-5, HAR) to Redesignate
Land That Lies Within the Limited Subzone into the
General Subzone

**PETITIONER/
LANDOWNER:** Frederick W. Gregg Jr.

LOCATION: Ho`okena, South Kona, Hawai`i County

TMK: (3) 8-6-013:009

PETITION AREA: Approximately (\approx) 18,687-ft²/.429 acres

SUBZONE: Limited

DESCRIPTION OF AREA AND CURRENT USE (Exhibit A, B, C, D, E & F)

The vacant property is located on the west side of the island of Hawai`i in the village of Ho`okena, South Kona along Ho`okena Beach Road. There are a number of residences in the area on nearby kuleana parcels and also to the north at Kealia. Currently the County Beach Park is the dominant feature of the village.

A stacked rock wall demarcates the boundaries of the parcel and the property is surrounded by private property. The property is bordered by Ho`okena Beach Road to the north and east; a vacant parcel and a parcel with a residence to the south, and two vacant parcels to the west. The Ho`okena Beach Road to the north appears to demarcate the Agricultural/Conservation State Land Use boundary.

Existing Land Use Classifications

The property lies within the Limited subzone of the Conservation District (**Exhibit G**). Pursuant to §13-5-12, Hawaii Administrative rules (HAR), the objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities. This subzone shall encompass:

1. Land susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention, as determined by the county, state, or federal governments; and
2. Lands necessary for the protection of the health, safety, and welfare of the public by reason of the land's susceptibility to inundation by tsunami, flooding, volcanic activity or landslides, or which have a general slope of forty percent or more.

Geologic and Soil Characteristics (Exhibit H & I)

According to the information provided, the property is located on the lee side of Mauna Loa on a gently sloping plain less than a quarter-mile from the ocean. The surface soils are comprised primarily of eroded Pahoehoe flows. The USGS Lava Flow Hazard Zone Map has placed this region in Zone 2 on a scale of 1 to 9 where zone 1 is the area of greatest hazard and zone 9 of the least. Zone 2 are areas adjacent to and downslope of active rift zones. The surface of the property is porous, has a minimal grade of approximately 8% and ranges from 16-ft to 35-ft above sea level.

According to the Hawaii Statewide GIS Program, the property does not include any land classified as Agricultural Lands of Importance to the State of Hawaii (ALISH) as such there is no Land Evaluation and Site Assessment (LESA) for the property.

Climatic Characteristics

According to the petition, the weather is warm with temperatures ranging from 60°-90° F with daytime temperatures in the 70s or 80s. There are light land-sea breezes and moderate southerly winds occur most frequently between October and April. Although Hawai'i has excellent air quality, volcanic emissions from the on-going Kilauea eruption may affect the air quality of the vicinity.

Hydrological Characteristics (Exhibit J)

The mean annual rainfall has been noted as 32.6-inches which most likely results from a few large winter storm systems. The area is within the Ka'apuna aquifer system and is located in Zone X according to the Federal Emergency Management Area (FEMA) Flood Insurance Rate Maps (FIRM), areas to be determined to be outside 0.2% annual chance flood plain. No surface water features are situated on the property.

Biological Characteristics

The petition describes the property as predominantly disturbed land that supports mostly nonnative plant and animal species. Flora consists primarily of kiawe and an understory of shrub, grass and bare soil. No known candidate or endangered plant species appear to be present of the property.

Introduced fauna may include mongoose, feral cats, dogs, mice, rats and common birds such as Cardinals, Doves, Francolins, Mejiro, Myna and Finches. Two federally endangered, threatened or candidate species that may be present in the area are the Hawaiian Hawk and the Hawaiian Hoary Bat. Native birds that may also visit the property include the Kolea and Pueo.

Archaeological and Historical Characteristics

Ho`okena Village grew around the Kauhako Landing on the shoreline. At one time there were much more residents, a church, school, courthouse and stores. According to the petition, high surf and storms had destroyed the landing by the mid-1930's. The majority of residents abandoned the village to move closer to the mauka government road during that time also.

Rock walls border the property and other adjacent properties. The walls may be a historic feature however the walls have been restacked and concrete was used to stabilize the structure. The property appears to have been graded in the past.

Scenic & Visual Resources

Within the village, the property is screened from views by vegetation that is primarily kiawe trees. Due to the flat topography, views to the ocean from Ho`okena Beach Road are also obscured by neighboring residences and existing vegetation. Drivers on Mamalahoa Hwy are unable to see Ho`okena village due to its distance and lower elevation.

Infrastructure Evaluation

The property may be accessed by Ho`okena Beach Park Road also known as Old Government Road that is a County road. Residences in the area receive electricity via photovoltaic, generator or propane systems. Telephone service is delivered via overhead transmission lines. The area is outside the service area of the County water supply and sewer system.

PROPOSED ACTIONS OF THE PETITIONER

The petitioner is requesting that his property that lies within the Limited subzone be redesignated into the General subzone.

Review of Property Characteristics in Relation to the Proposed Subzone Objectives

As described in §13-5-13, HAR, the objective of the General Subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. Specifically, the General Subzone shall encompass:

- o Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban, rural, or agricultural use; and
- o Lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing; including facilities accessory to these uses when the facilities are compatible with the natural physical environment.

The petitioner believes the objectives relevant to the Limited subzone are not applicable to the property. The petition notes that reclassification to the General subzone would render the property eligible for an application to construct a single family residence. However at this time no improvements or secondary improvements are being proposed with this proposed subzone boundary amendment.

STAFF ANALYSIS:

Pursuant to the Hawaii Administrative Rules (HAR), §13-5-5, any change to Conservation District subzone boundaries must be made by amending Chapter 13-5, HAR. Statutes and rules that govern the process by which amendments of Chapter 13-5, HAR, may be made include:

- A. §91-2 through 91-7, Hawaii Revised Statutes (HRS);
- B. §2, Act 168, Session Laws of Hawaii 1998;
- C. §183C-4(e), HRS;
- D. Chapter 13-1, Subchapter 3, HAR; and
- E. §13-5-16, HAR.

Petitions to amend the administrative rules are reviewed by the Legislative Reference Bureau and the Department of the Attorney General. In general, in order to take effect, proposed rule amendments must obtain departmental and gubernatorial authorizations for both the public hearing and final approval.

Authorization for Public Hearing:

The first major step to amend the administrative rules is to hold a public hearing. The request for public hearing is the subject of this staff submittal. Should the Board of Land and Natural Resources (Board) approve the subject request, the Department would forward the request for public hearing to the Governor for approval. At the Board's discretion, the Board may modify the proposed rule change at this time.

Approval/Disapproval:

Should the Board approve this petition then the proposed rule change will be forwarded to the Governor for approval. Upon receiving the Board's approval, both the Legislative Reference Bureau and the Department of the Attorney General would review. With the Department of the Attorney General approval 'as to form', the proposed rule amendment shall be forwarded to the Governor for the final decision.

State Policies and Procedures:

Staff processed the petition in accordance to the Governors' Administrative Directive # 09-01 to guide policy and procedures for the adoption, amendment or repeal of administrative rules. The Governor directs that petitions for administrative rule changes address certain policy topic areas.

§2 of Act 168, Session Laws of Hawaii 1998, the Hawaii Small Business Regulatory Flexibility Act:

Staff is of the opinion that the proposed rule amendment will not impact or affect small business. Therefore, no "Small Business Statement" is required.

Chapter 343, HRS, Requirements:

Staff believes that due to the scope and nature of the proposed amendment, Chapter 343, Hawaii Revised Statutes (HRS), is not applicable at this time as no land use is proposed.

DISCUSSION

The purpose of this report is to take the proposed subzone redesignation rule amendment to public hearing and to determine that the proposed action would not have an effect on small business.

RECOMMENDATION

That the Board of Land and Natural Resources:


1. Approve the petitioner's request to process the subject petition to amend Chapter 13-5, Hawaii Administrative Rules;
2. Determine that the proposed rule amendment will not impact or affect small business;
3. Authorize the forwarding of a request for public hearing on the proposed rule amendment to the Governor;
4. Upon executive approval, publish the public hearing notice; and
5. Upon executive approval, appoint a representative of the Board of Land and Natural Resources as public hearing master for the proposed rule amendment's public hearing.

Respectfully submitted,



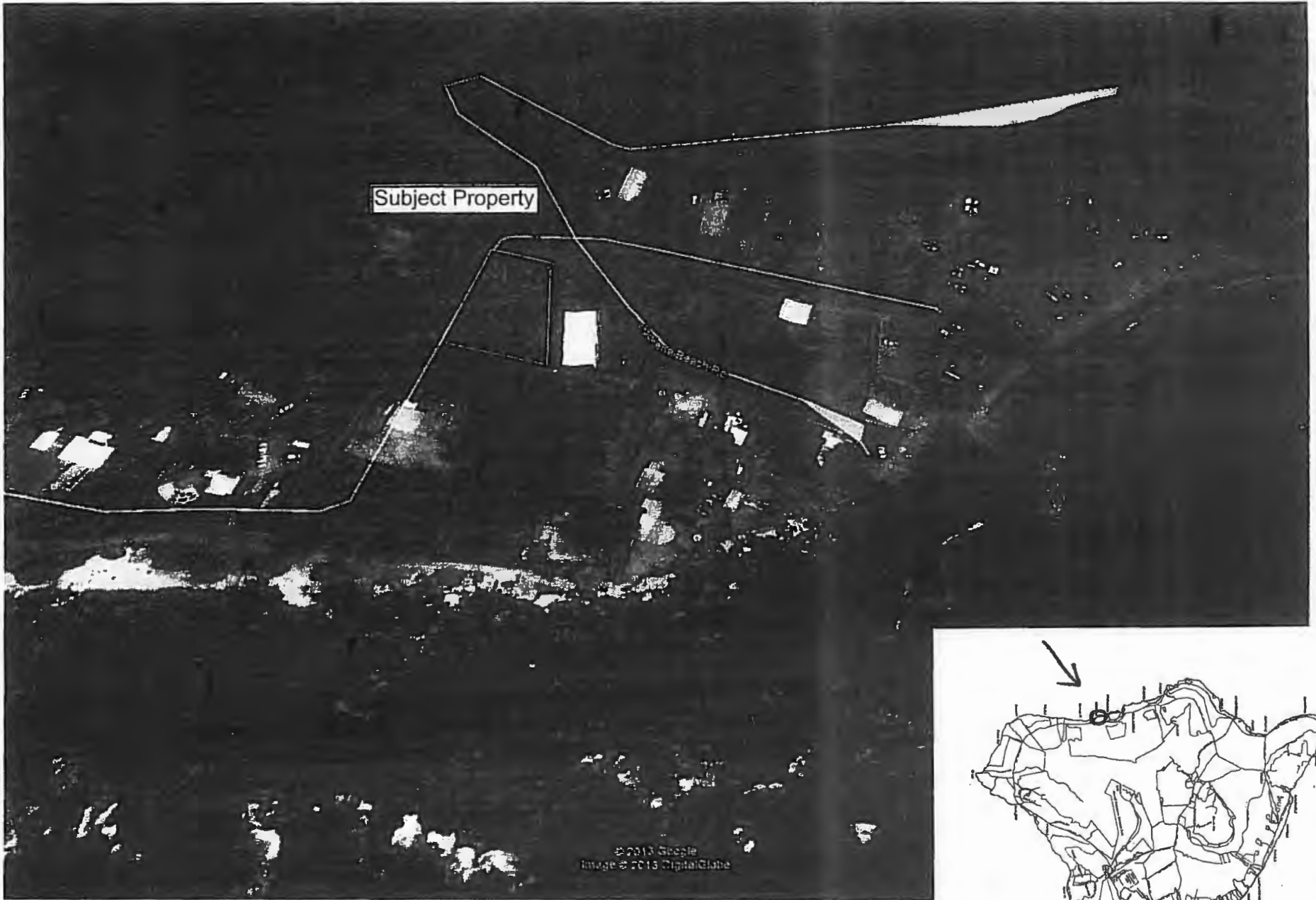
K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for Submittal:



WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

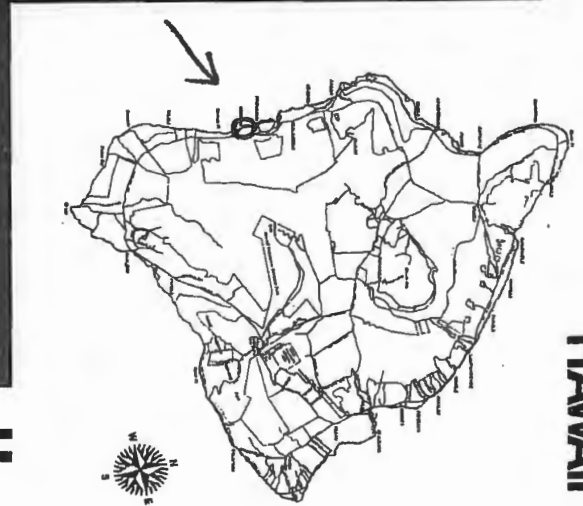
EXHIBIT A



© 2013 Google
Image © 2013 DigitalGlobe

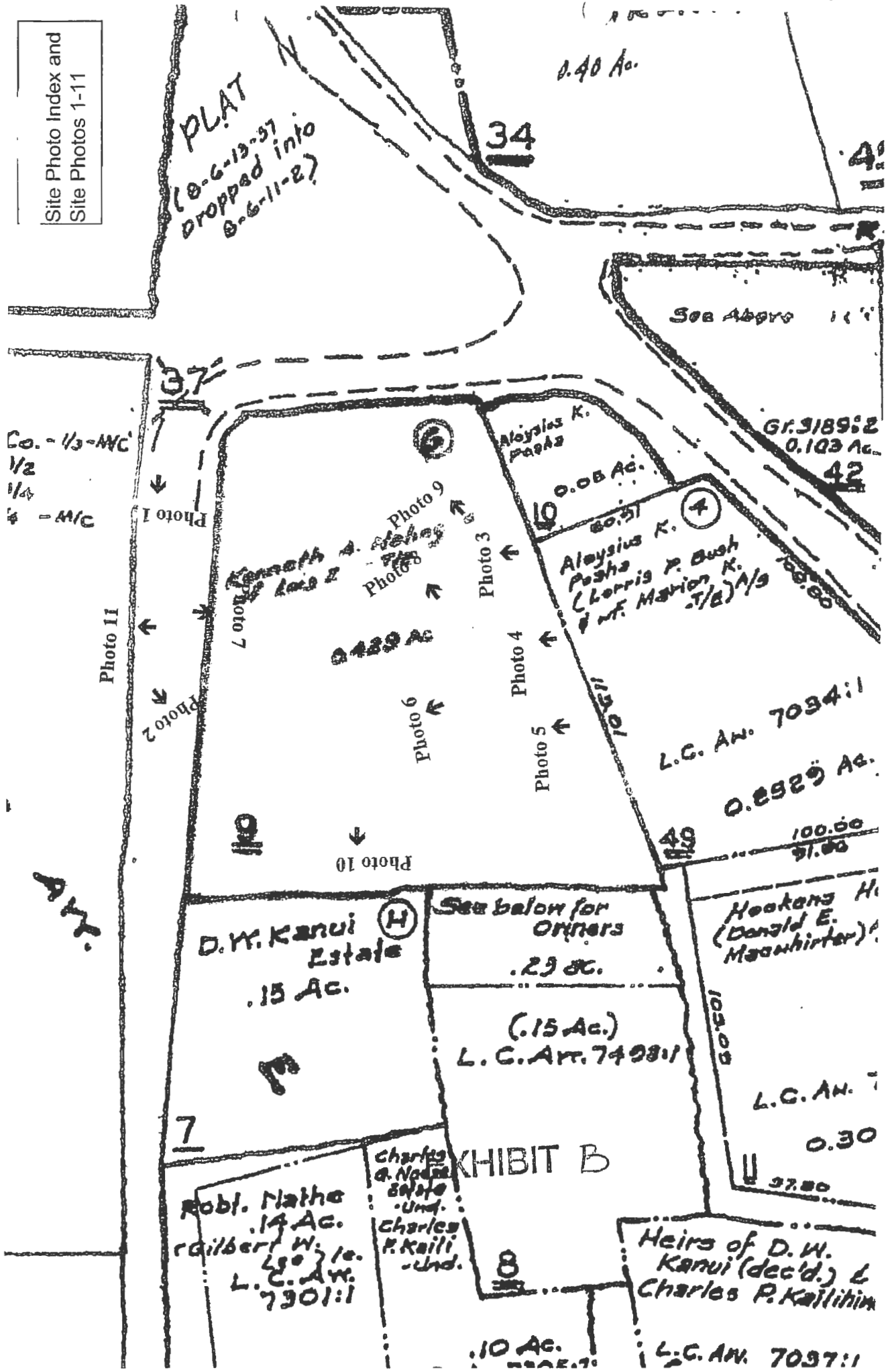
Google earth

feet
meters



HAWAII

Site Photo Index and
Site Photos 1-11



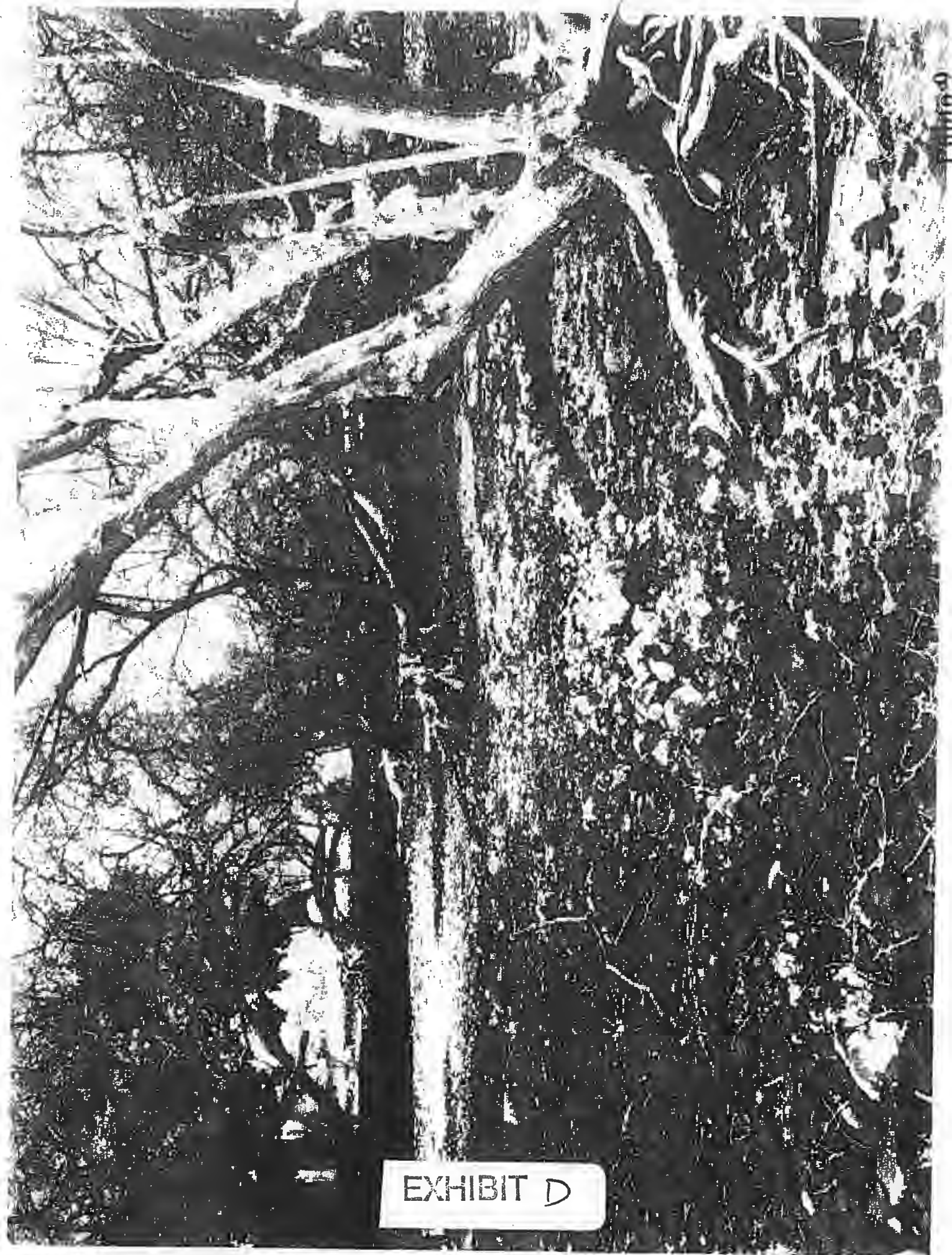


EXHIBIT D

Photo 9



EXHIBIT C



EXHIBIT E

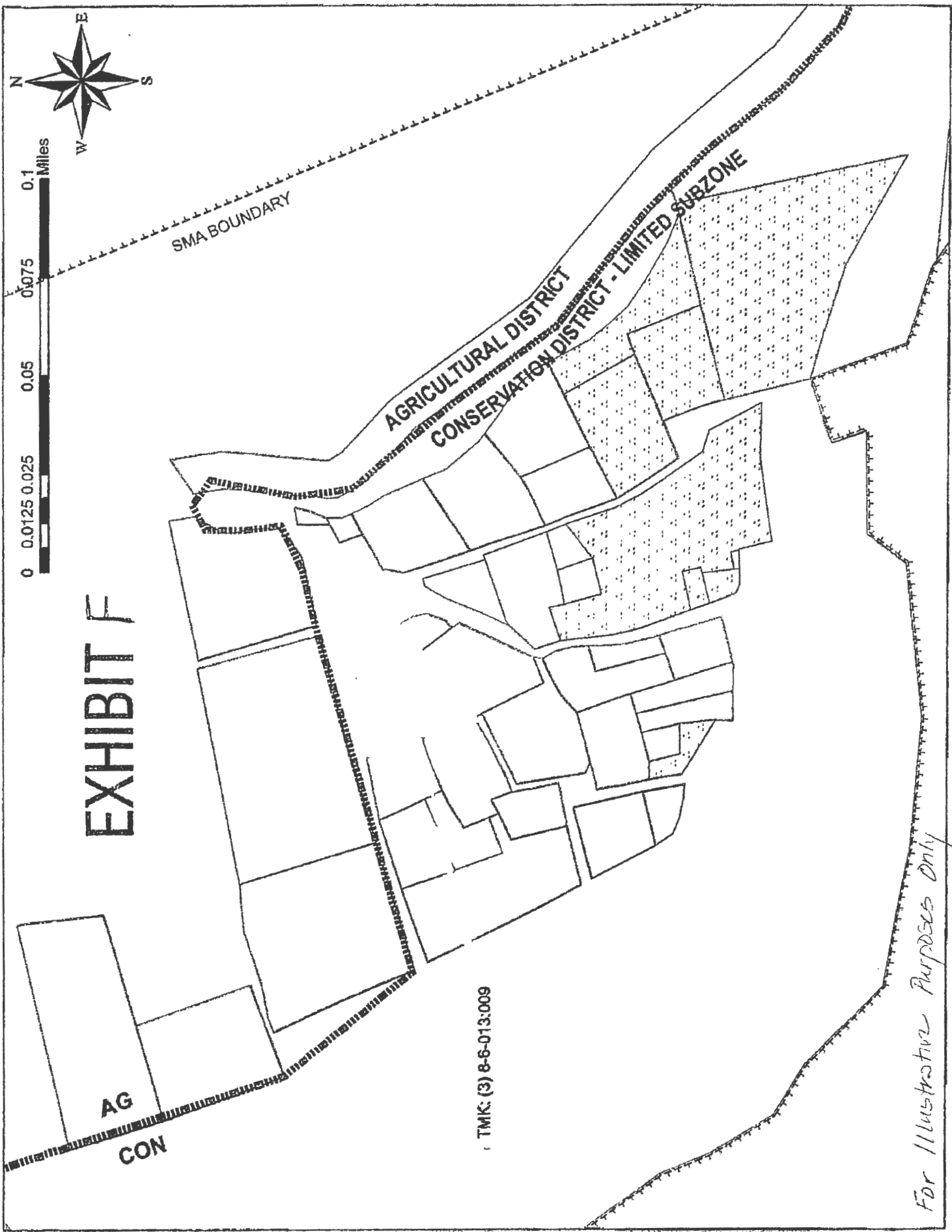


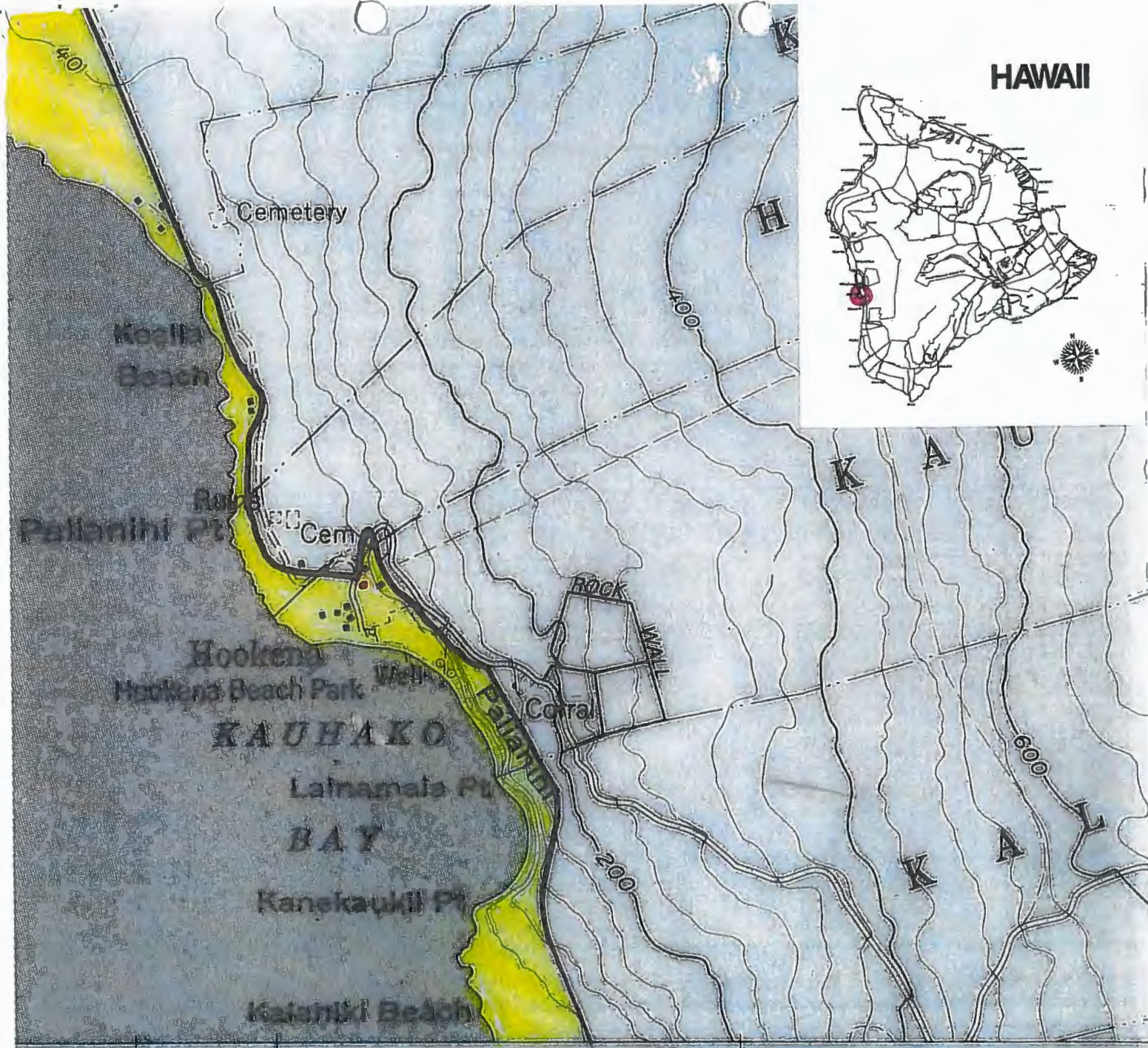
EXHIBIT F

AG

CON

TMK: (3) 8-6-013:009

For Illustrative Purposes Only



HAWAII



INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1982 196000mE ALA

- Vicinity
- Site
- Limited Subzone

ROAD

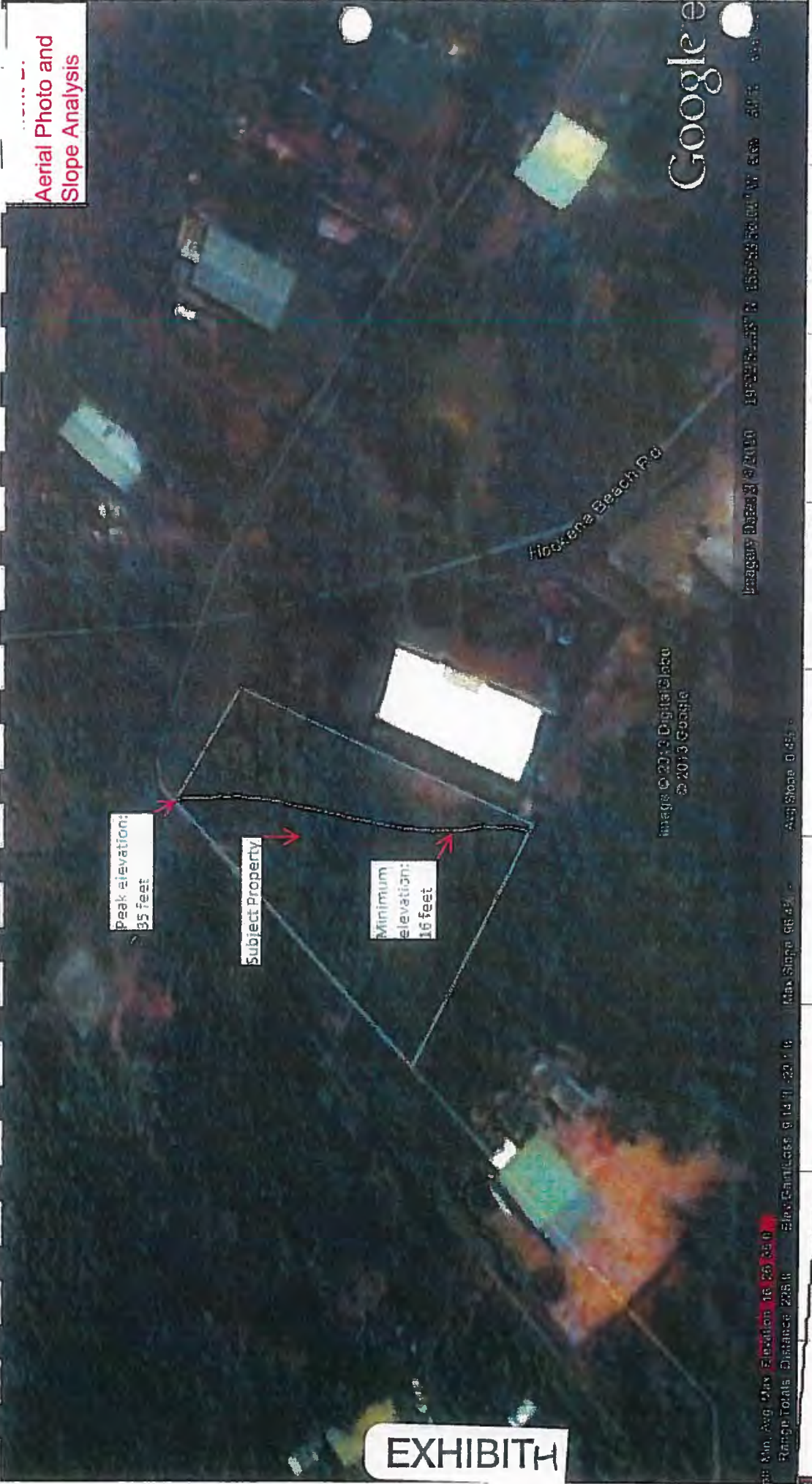
Medium-duty

Unimproved

EXHIBIT G



Aerial Photo and Slope Analysis



EXHIBIT

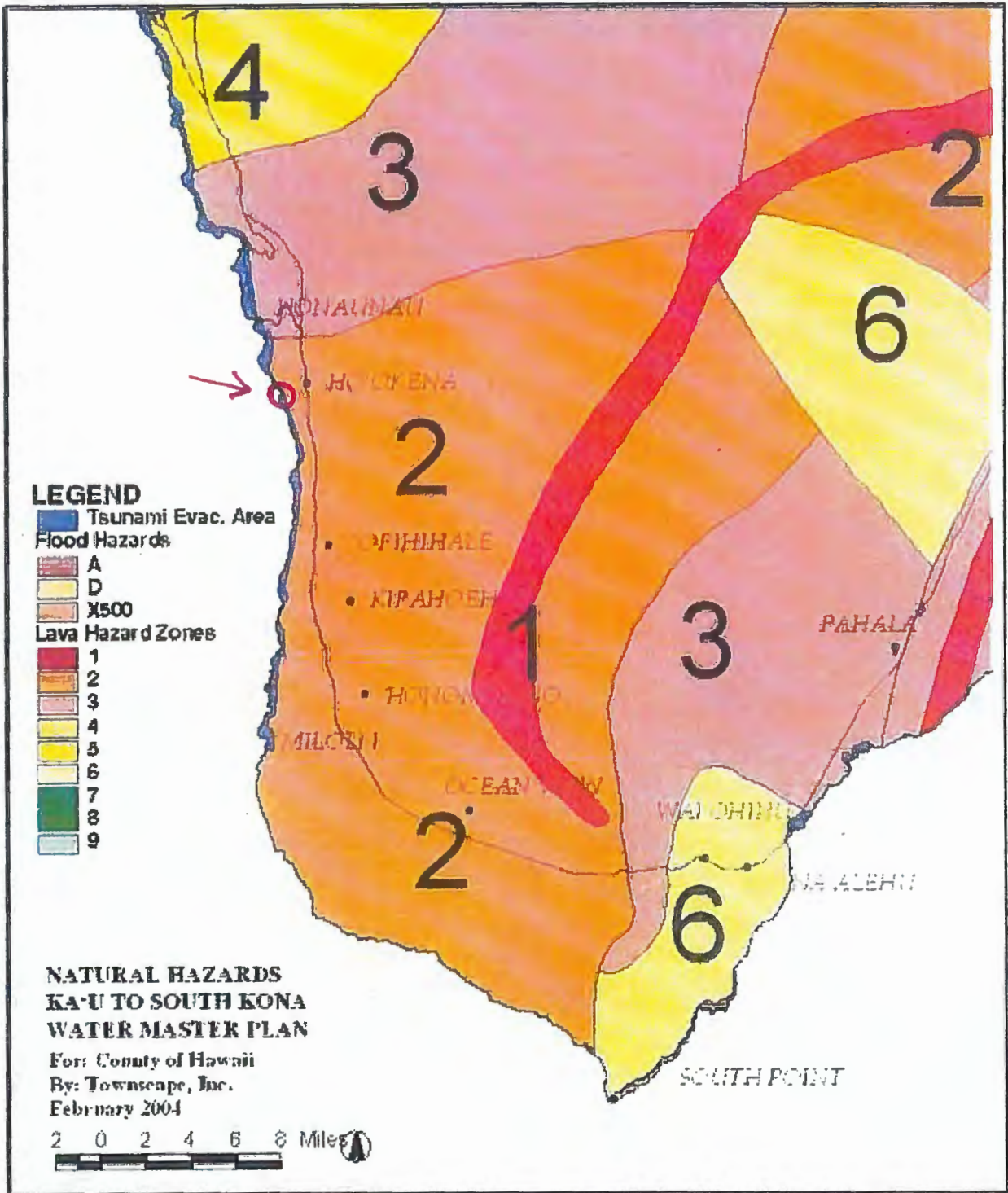
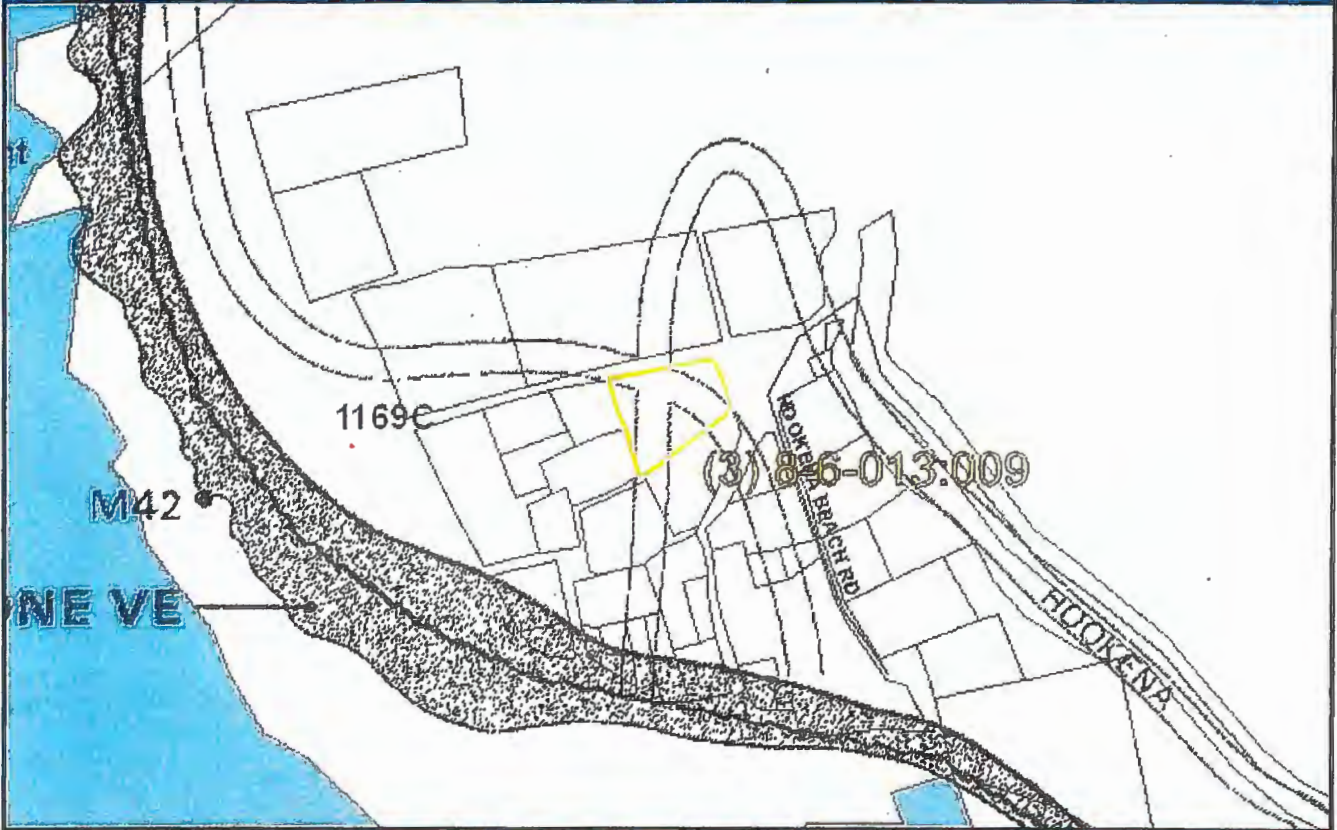


EXHIBIT I

County of Hawaii Ka'u to South Kona Water Master Plan, displaying data from United States Geological Survey, Lava Flow Hazard Map for the Island of Hawaii.



FLOOD HAZARD ASSESSMENT REPORT



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD ZONE DEFINITIONS

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- Zone A: No BFE determined.
- Zone AE: BFE determined.
- Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
- Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
- Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
- Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

- Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

PROPERTY INFORMATION

COUNTY: HAWAII
 TMK NO: (3) 8-6-013-009
 PARCEL ADDRESS:
 FIRM INDEX DATE: APRIL 02, 2004
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL(S): 1551661169C
 PANEL EFFECTIVE DATE: SEPTEMBER 16, 1988

PARCEL DATA FROM: JULY 2011
 IMAGERY DATA FROM: MAY 2005

IMPORTANT PHONE NUMBERS

County NFIP Coordinator
 County of Hawaii
 Frank DeMarco, CFM (808) 961-8042
 State NFIP Coordinator
 Carol Tyau-Beam, P.E., CFM (808) 587-0267

Disclaimer: The Department of Land and Natural Resources assumes no responsibility arising from the use of the information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the Department of Land and Natural Resources from any liability, which may arise from its use

Preliminary DFIRM Disclaimer: If this map has been identified as "PRELIMINARY", please note that it is being provided for commenting purposes only and is not to be used for official/legal decisions or regulatory compliance.

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 5

Gregg Application for Conservation Subzone Boundary Amendment

DLNR Staff Report (8/22/2014)

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i

August 22, 2014

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Proposed Rule Amendment HA 13-02
Request to Amend Title 13, Chapter 5, Hawai'i
Administrative Rules (13-5, HAR) to Designate Land That
Lies Within the Limited Subzone into the General Subzone

**PETITIONER/
LANDOWNER:** Frederick W. Gregg Jr.

LOCATION: Ho'okena, South Kona, Hawai'i County

Tax Map Key: (3) 8-6-013:009

PETITION AREA: Approximately (\approx) 18,687-ft²/.429 acres

SUBZONE: Limited

DESCRIPTION OF AREA AND CURRENT USE (Exhibit A, B, C, D, E & F)

The vacant property is located on the west side of the island of Hawai'i in the village of Ho'okena, South Kona along Ho'okena Beach Road. There are a number of residences in the area on nearby kuleana parcels and also to the north at Kealia. Currently the County Beach Park is the dominant feature of the village.

A stacked rock wall demarcates the boundaries of the parcel and the property is surrounded by private property. The property is bordered by Ho'okena Beach Road to the north and east; a vacant parcel and a parcel with a residence to the south, and two vacant parcels to the west. The Ho'okena Beach Road to the north appears to demarcate the Agricultural/Conservation State Land Use boundary.

Existing Land Use Classifications

The property lies within the Limited subzone of the Conservation District (**Exhibit G**). Pursuant to §13-5-12, Hawaii Administrative rules (HAR), the objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities. This subzone shall encompass:

1. Land susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention, as determined by the county, state, or federal governments; and

APPENDIX 5

K-4

2. Lands necessary for the protection of the health, safety, and welfare of the public by reason of the land's susceptibility to inundation by tsunami, flooding, volcanic activity or landslides, or which have a general slope of forty percent or more.

Geologic and Soil Characteristics (Exhibit H & I)

According to the information provided, the property is located on the lee side of Mauna Loa on a gently sloping plain less than a quarter-mile from the ocean. The surface soils are comprised primarily of eroded Pahoehoe flows. The USGS Lava Flow Hazard Zone Map has placed this region in Zone 2 on a scale of 1 to 9 where zone 1 is the area of greatest hazard and zone 9 of the least. Zone 2 areas are adjacent to and downslope of active rift zones. The surface of the property is porous, has a minimal grade of approximately 8% and ranges from 16-ft to 35-ft above sea level.

According to the Hawaii Statewide GIS Program, the property does not include any land classified as Agricultural Lands of Importance to the State of Hawaii (ALISH) as such there is no Land Evaluation and Site Assessment (LESA) for the property.

Climatic Characteristics

According to the petition, the weather is warm with temperatures ranging from 60°-90° F with daytime temperatures in the 70s or 80s. There are light land-sea breezes and moderate southerly winds occur most frequently between October and April. Although Hawai'i has excellent air quality, volcanic emissions from the on-going Kilauea eruption may affect the air quality of the vicinity.

Hydrological Characteristics (Exhibit J)

The mean annual rainfall has been noted as 32.6-inches which most likely results from a few large winter storm systems. The area is within the Ka'apuna aquifer system and is located in Zone X according to the Federal Emergency Management Area (FEMA) Flood Insurance Rate Maps (FIRM), areas to be determined to be outside 0.2% annual chance flood plain. No surface water features are situated on the property.

Biological Characteristics

The petition describes the property as predominantly disturbed land that supports mostly nonnative plant and animal species. Flora consists primarily of kiawe and an understory of shrub, grass and bare soil. No known candidate or endangered plant species appear to be present of the property.

Introduced fauna may include mongoose, feral cats, dogs, mice, rats and common birds such as Cardinals, Doves, Francolins, Mejiro, Myna and Finches. Two federally endangered, threatened or candidate species that may be present in the area are the Hawaiian Hawk and the Hawaiian Hoary Bat. Native birds that may also visit the property include the Kolea and Pueo.

Archaeological and Historical Characteristics (Exhibit K)

Ho'okena Village grew around the Kauhako landing on the shoreline. At one time steamship travel to the village created a lively port town with food and merchandise retail stores, restaurants and a hotel. There were much more residents, a church, school and

courthouse. According to the petition, high surf and storms had destroyed the landing by the mid-1930's. The majority of residents abandoned the village to move closer to the mauka government road during that time also.

Based upon written and oral testimony at the Public Hearing of April 22, 2014, it was brought to staff's attention that Ho'okena remains a native Hawaiian fishing village where many Hawaiian fishing traditions evolved. Opelu fishing traditions are mentioned in mo'olelo of Ho'okena and many canoes are still housed in the village. There is a native Hawaiian presence in the area and the village has not been 'abandoned.'

Further written testimony tells of the settlement of the area that included a general store called Hui Opi'opi'o with an Inn and a concrete soaking tank used to process coffee. The testimony notes Kauhako landing as 'a bustling town with numerous residences,' and the existence of a road that connects the town with the main mauka government road in 1883, well before the Highways Act of 1892.

Rock walls border the property and other adjacent properties. The walls may be a historic feature however the walls have been restacked and concrete was used to stabilize the structure. The property appears to have been graded in the past and according to historic maps of Kauhako/Ho'okena, at one time did contain a residence.

Scenic & Visual Resources

Within the village, the property is screened from views by vegetation that is primarily kiawe trees. Due to the flat topography, views to the ocean from Ho'okena Beach Road are also obscured by neighboring residences and existing vegetation. Drivers on Māmalahoa Hwy are unable to see Ho'okena village due to the distance and lower elevation from the highway.

Infrastructure Evaluation

The property may be accessed by Ho'okena Beach Park Road also known as Old Government Road that is a County road. Residences in the area receive electricity via photovoltaic, generator or propane systems. Telephone service is delivered via overhead transmission lines. The area is outside the service area of the County water supply and sewer system.

PROPOSED ACTIONS OF THE PETITIONER

The petitioner is requesting that his property that lies within the Limited subzone be redesignated into the General subzone.

Review of Property Characteristics in Relation to the Proposed Subzone Objectives

As described in §13-5-13, HAR, the objective of the General Subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. Specifically, the General Subzone shall encompass:

- Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban, rural, or agricultural use; and

- Lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing; including facilities accessory to these uses when the facilities are compatible with the natural physical environment.

The petitioner believes the objectives relevant to the Limited subzone are not applicable to the property. The petition notes that reclassification to the General subzone would render the property eligible for an application to construct a single family residence. However at this time no improvements or secondary improvements are being proposed with this proposed subzone boundary amendment.

The redesignation of the subzone could potentially increase the use/density of the property. However this increase would not be realized unless applied for and granted by the Department and/or Board of Land and Natural Resources.

Alternative Considered

Under the 'No Action' alternative, the land would remain in the Limited subzone.

STAFF ANALYSIS:

Pursuant to the Hawaii Administrative Rules (HAR), §13-5-5, any change to Conservation District subzone boundaries must be made by amending Chapter 13-5, HAR. Statutes and rules that govern the process by which amendments of Chapter 13-5, HAR, may be made include:

- A. §91-2 through 91-7, Hawaii Revised Statutes (HRS);
- B. §2, Act 168, Session Laws of Hawaii 1998;
- C. §183C-4(e), HRS;
- D. Chapter 13-1, Subchapter 3, HAR; and
- E. §13-5-16, HAR.

Petitions to amend the administrative rules are reviewed by the Legislative Reference Bureau and the Department of the Attorney General. In general, in order to take effect, proposed rule amendments must obtain departmental and gubernatorial authorizations for both the public hearing and final approval.

Authorization for Public Hearing:

The first major step to amend the administrative rules is to hold a public hearing. Approval from the Board to hold a public hearing was granted on August 23, 2013. Authorization from the Governor was granted on January 27, 2014.

Public Hearing

The Public Hearing regarding this rule amendment was held on April 22, 2014 at the West Hawai'i Civic Center. Approximately 20 individuals were in attendance. A short presentation was done by the applicant's counsel, Mr. Randy Vitousek, who explained due to the subzone designation, a single family residence could not be applied for unless

the subzone of the property is changed to a subzone for which a residence could be applied for. The applicant, Mr. Gregg explained he bought the property 20 years ago and camps on the property. He would like to retire and build a small house on the lot and he was surprised and did not know he had to go through this process.

A testifier wished to inform the Board/Department and for the record that there is a present day connection of the village with native Hawaiians. Much of Ho'okena Beach Park was obtained by eminent domain and condemnation of land from Hawaiians. So Hawaiians did not abandon area as previously stated in documents.

Although the proposed rule amendment may set precedence for others to do the same, it is not expected that approval would initiate more rule amendment proposals. Individuals that testified welcomed the applicant into the community, stated Mr. Gregg is a good man and neighbor and the community supports the proposal. No one present indicated any objections to the proposal.

Approval/Disapproval:

Should the Board approve this petition then the proposed rule change will be forwarded to the Governor for approval. Upon receiving the Board's approval, both the Legislative Reference Bureau and the Department of the Attorney General would review. With the Department of the Attorney General approval 'as to form', the proposed rule amendment shall be forwarded to the Governor for the final decision.

State Policies and Procedures:

Staff processed the petition in accordance to the Governors' Administrative Directive # 09-01 to guide policy and procedures for the adoption, amendment or repeal of administrative rules. The Governor directs that petitions for administrative rule changes address certain policy topic areas.

§2 of Act 168, Session Laws of Hawaii 1998, the Hawaii Small Business Regulatory Flexibility Act:

The Department of Business, Economic Development & Tourism (DBEDT) reviewed the staff submittal for the proposed rule amendment to go to public hearing and has noted that no business impact is apparent. Further, at the August 23, 2013, the Board determined that the proposed rule amendment will not impact or affect small business.

Chapter 343, HRS, Requirements:

Staff believes that due to the scope and nature of the proposed amendment, Chapter 343, Hawaii Revised Statutes (HRS), is not applicable at this time as no land use is proposed.

DISCUSSION

Staff visited the site last summer (2013) and noted that the lot was vacant surrounded by rock walls on all four sides with large trees and leave detritus on the parcel. Staff did not note any pooling of water, soil erosion or erosion damage. The petitioned area does not appear to be susceptible to volcanic activities or landslides. Portions of the property that were previously disturbed during the settlement of the village were level then and continue to be level now and clearly do not have steep slopes.

According to the petition, the property is characterized by land with slopes of less than 10%. The property is in Zone X, areas determined to be outside the 0.2% annual chance flood of the Federal Insurance Rate Maps and approximately 250 feet mauka of the VE Flood Zone- coastal flood zone with velocity hazard (wave action). While tsunami flooding could potentially reach the property, given the proximity to the coastline, this would be an episodic event.

According to the Land Use Commission, the Conservation District boundary line was established during the original 1964 SLU Boundary Review effective August 23, 1964 and appears to follow along what was once noted as Government Road. Ho'okena Village is at the base of cliffs and along the shoreline, both areas that may be susceptible to erosion. The Kona Historical Society notes tsunami and earthquake events may have also contributed to a reduction of population of Ho'okena Village prior to 1951. However living on volcanic islands makes all communities along the coastline susceptible to these events.

Staff also took a look at other subzone designations that are lower on the hierarchy of Conservation District subzones to see if the land conforms to other subzone objectives. Staff did not consider the Protective subzone as there does not appear to be valuable natural and cultural resources such as watersheds, marine, plant, and wildlife or significant historic, archaeological, geological and volcanological features and sites or other designated unique areas within the petitioned area.

Regarding the Resource subzone, the objective of this subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas and shall encompass:

- (1) Lands necessary for providing future parkland and lands presently used for national, state, county, or private parks;
- (2) Lands suitable for growing and harvesting of commercial timber or other forest products;
- (3) Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking;
- (4) Offshore islands of the State of Hawaii, unless placed in a (P) or (L) subzone;
- (5) Lands and state marine waters seaward of the shoreline to the extent of the State's jurisdiction, unless placed in a (P) or (L) subzone.

As this is private property and there is an existing beach park in close proximity, staff does not believe the land is necessary neither for future parkland nor for outdoor recreational uses. The land is not suitable for growing or harvesting forest products. It is not an offshore island nor submerged land seaward of the shoreline. Therefore this land does not appear to meet the criteria of the Resource subzone.

Regarding the General subzone, the objective of this subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. The General subzone shall encompass:

- (1) Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban, rural, or agricultural use; and
- (2) Lands suitable for farming, flower gardening, operation of nurseries or orchards, grazing; including facilities accessory to these uses when the facilities are compatible with the natural physical environment.

The petitioned area borders Agricultural designated land. There are no natural environmental constraints such as erosion, flooding or steep slopes on the property that would limit uses. Ho'okena is a fishing village and not an 'urban community' that is defined as having a population of over 2,500 individuals. Land uses in the area and the neighboring community of Kealia are low profile residential uses that retain the open space character of the vicinity. Leaving the property in the Limited subzone would not contribute to the rural community and preservation of the area as a fishing village.

Amending the petitioned area into the General subzone will not cause substantial adverse impact to the existing resources within the surrounding area, community or region and is appropriate given the physical conditions and capabilities of the parcel. Staff believes the designation is compatible with the locality and surrounding area of the established community. Placing the petitioned area into the General subzone is not inconsistent with the character of the immediate surroundings that are rural in nature.

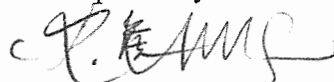
Staff is of the opinion that the General subzone is an appropriate designation for the petitioned area.

RECOMMENDATION

Based upon the preceding analysis, staff recommends the Board of Land and Natural Resources:

1. Grant petitioner, Mr. Frederick W. Gregg Jr.'s request to amend Chapter 13-5, Hawaii Administrative Rules to designate land of approximately 18,687-ft² that lies within the Conservation District Limited subzone located at Ho'okena, South Kona, Hawai'i County, known as tax map key (3) 8-6-013:009 into the General subzone; and
2. Authorize the forwarding of the rule amendment to the Governor, State of Hawaii for approval and enactment.

Respectfully submitted,



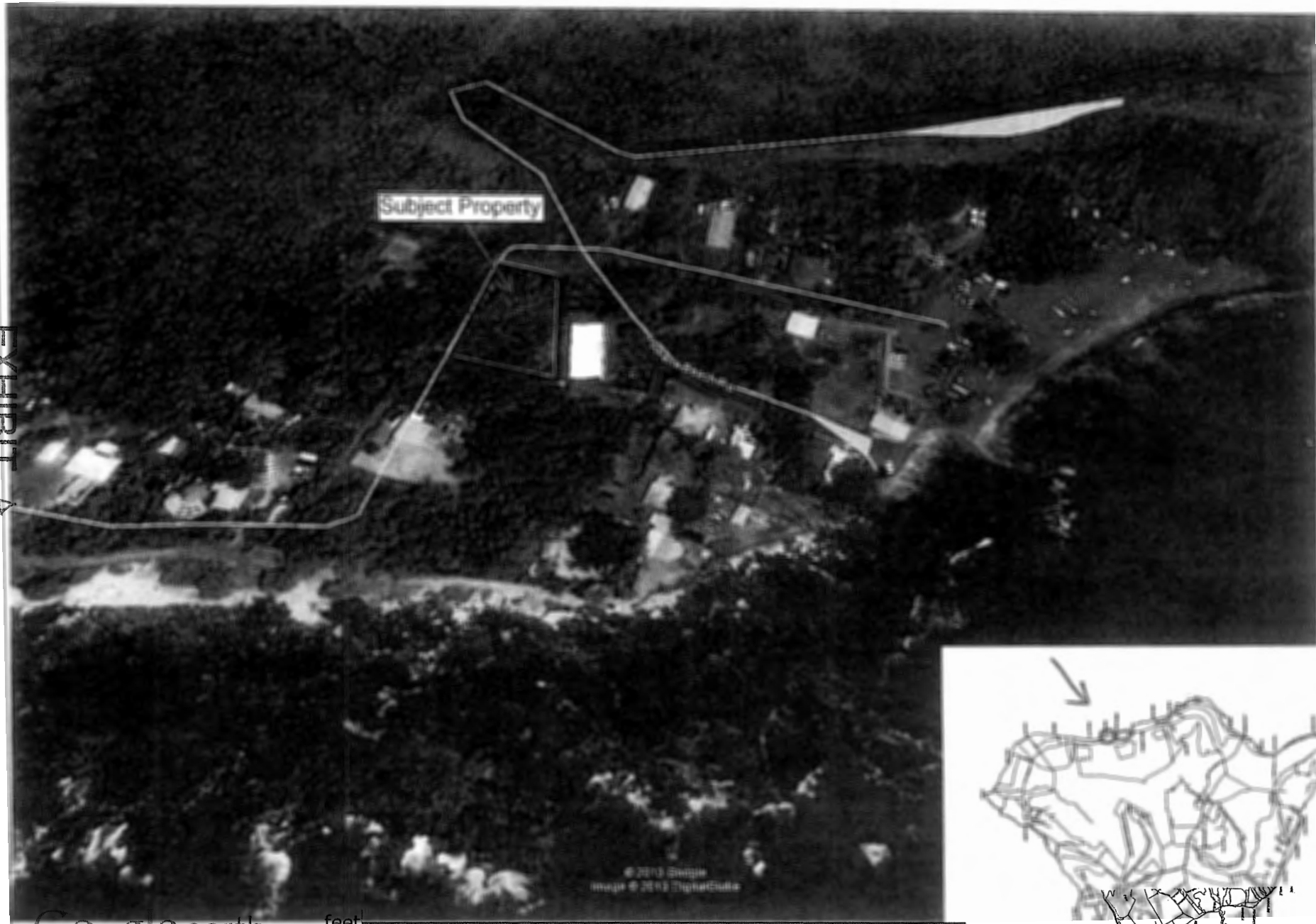
K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for Submittal:



WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

EXHIBIT A



Subject Property

© 2013 Google
Image © 2013 DigitalGlobe

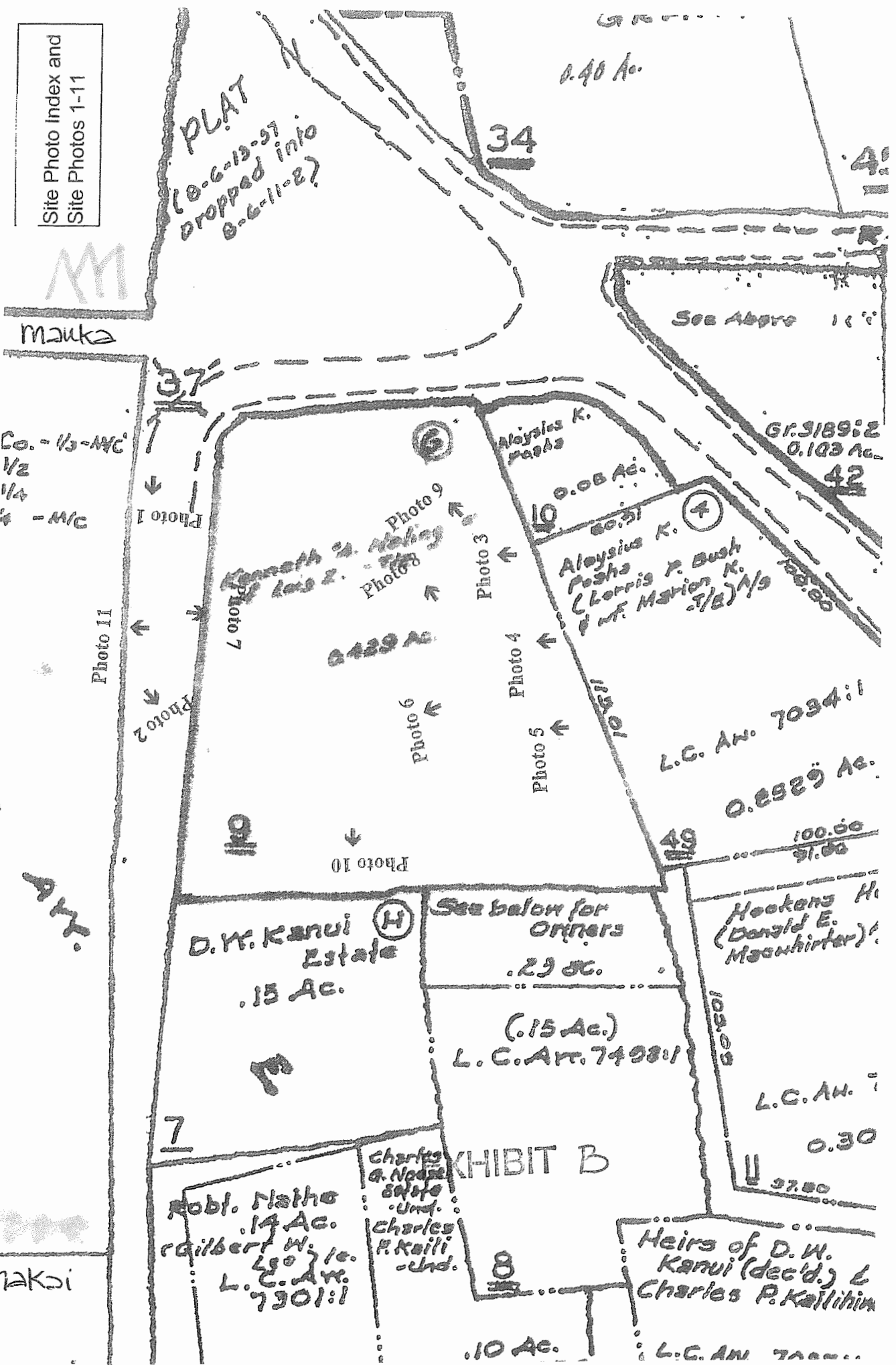
Google earth

feet
meters



HAWAII

Site Photo Index and
Site Photos 1-11



PLAT
(0-6-13-57
dropped into
0-6-11-82)

Mauka

Co. - 1/3 - MC
1/2
1/4
1/8 - MC

Photo II

Photo 1

Photo 2

Photo 7

0.429 Ac.

Photo 6

Photo 10

Photo 9

Photo 8

Photo 3

Photo 4

Photo 5

Aloysius K. Posh
0.08 Ac.

Aloysius K. Posh
(Lorris P. Bush
& Mrs. Marion K. T/B) 1/3

Gr. 9189:2
0.103 Ac.

L.C. AN. 7034:1
0.8929 Ac.

100.00
91.00

Hookens H.
(Donald E. Macwhirter)

D.W. Kanui Estate
.15 Ac.

See below for
owners
.29 Ac.

(.15 Ac.)
L.C. AN. 7493:1

L.C. AN. 7

0.30

97.50

Robt. Nathe
.14 Ac.
Gilbert W. Nathe
L.C. AN. 7301:1

Charles A. Nape
Solo
Und.
Charles P. Kallihim
Und.

HIBIT B

Heirs of D.W. Kanui (dec'd.) & Charles P. Kallihim

10 Ac.

L.C. AN. 7493:1

Makai

Photo S



EXHIBIT C

Photo 9

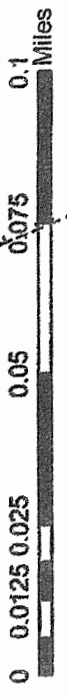
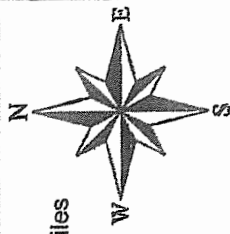


EXHIBIT D

Photo 10



EXHIBIT E



SMA BOUNDARY

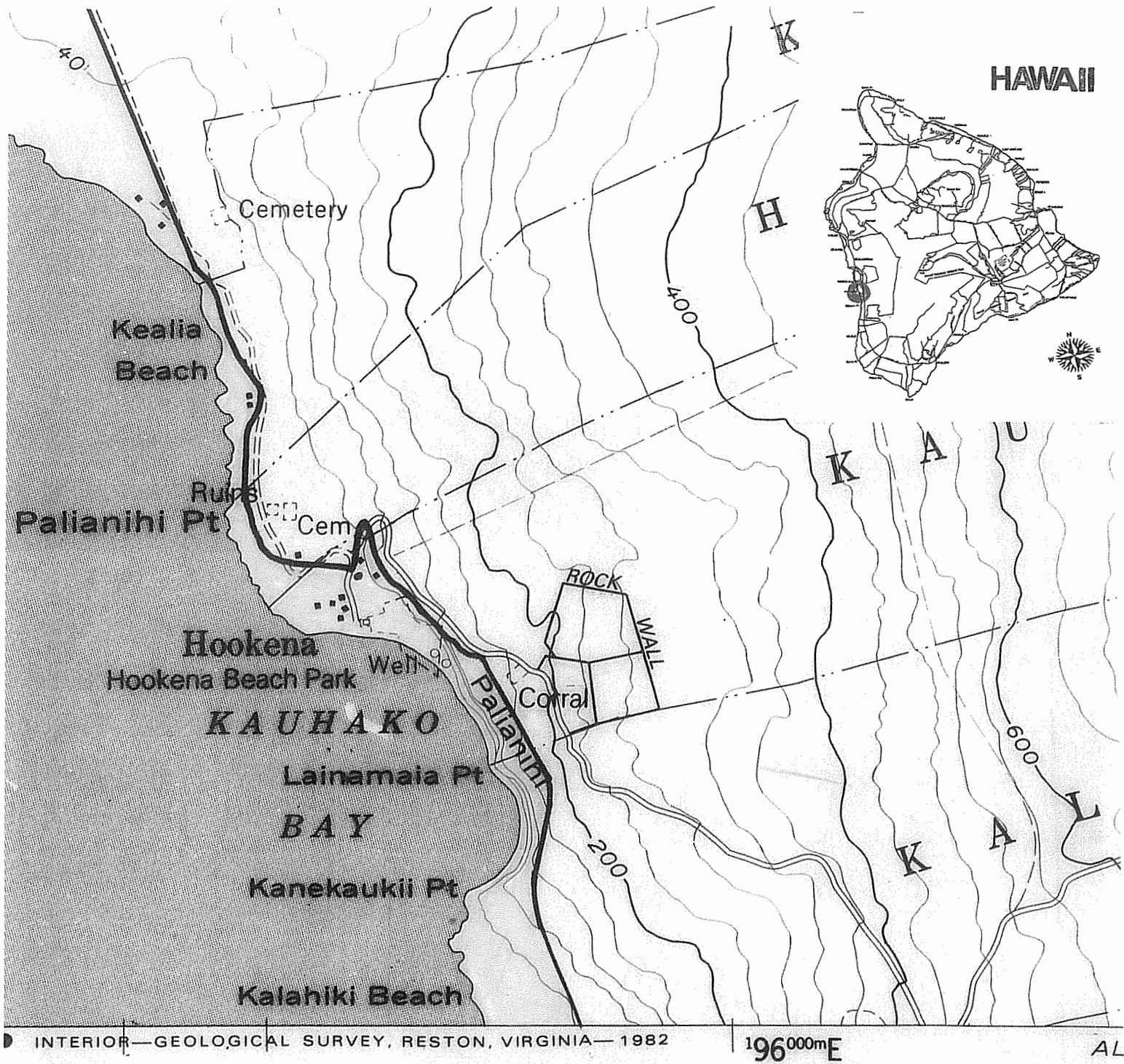
EXHIBIT F

AGRICULTURAL DISTRICT
CONSERVATION DISTRICT - LIMITED SUBZONE

AG
CON

TMS (3) 6-6-013.009

For Illustrative Purposes Only



○ Vicinity
 ▴ Site

▭ Limited Subzone

ROAD

Medium-duty.....

Unimpro

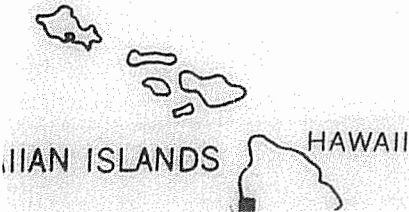


EXHIBIT G

Aerial Photo and Slope Analysis

EXHIBIT H

30.1 10.8 1.1%
3.1%

30.1 10.8 1.1%
3.1%

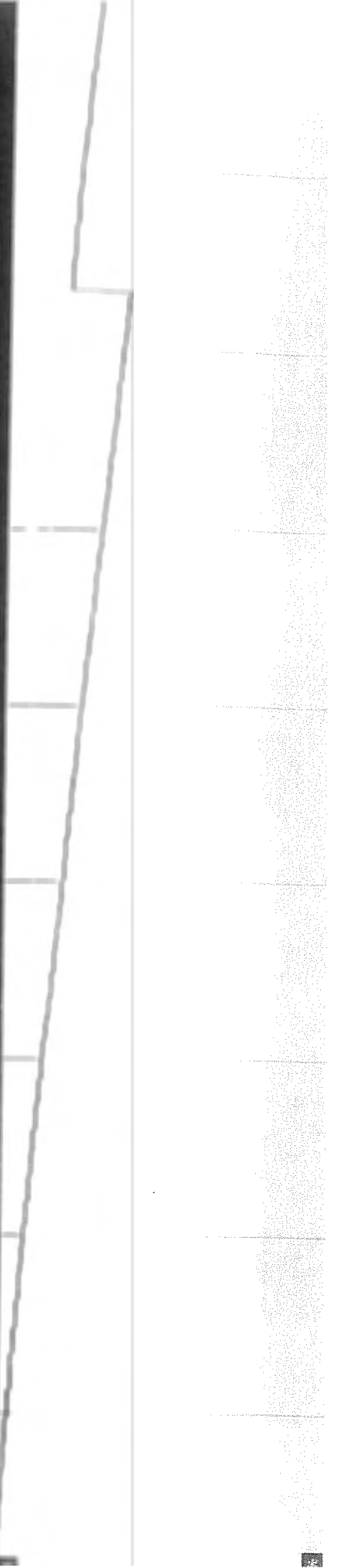
30.1 10.8 1.1%
3.1%

Hickory Beach Rd

Image © 2013 DigitalGlobe
© 2013 Google

Google

Min. Avg. Max. Elevation: 15.28 35.11
Range Factor: Distance: 239 ft. Elevation Loss: 9.14 ft. -23.1 ft. Min. Slope: 10.8% Avg. Slope: 4.1% Max. Slope: 30.1%



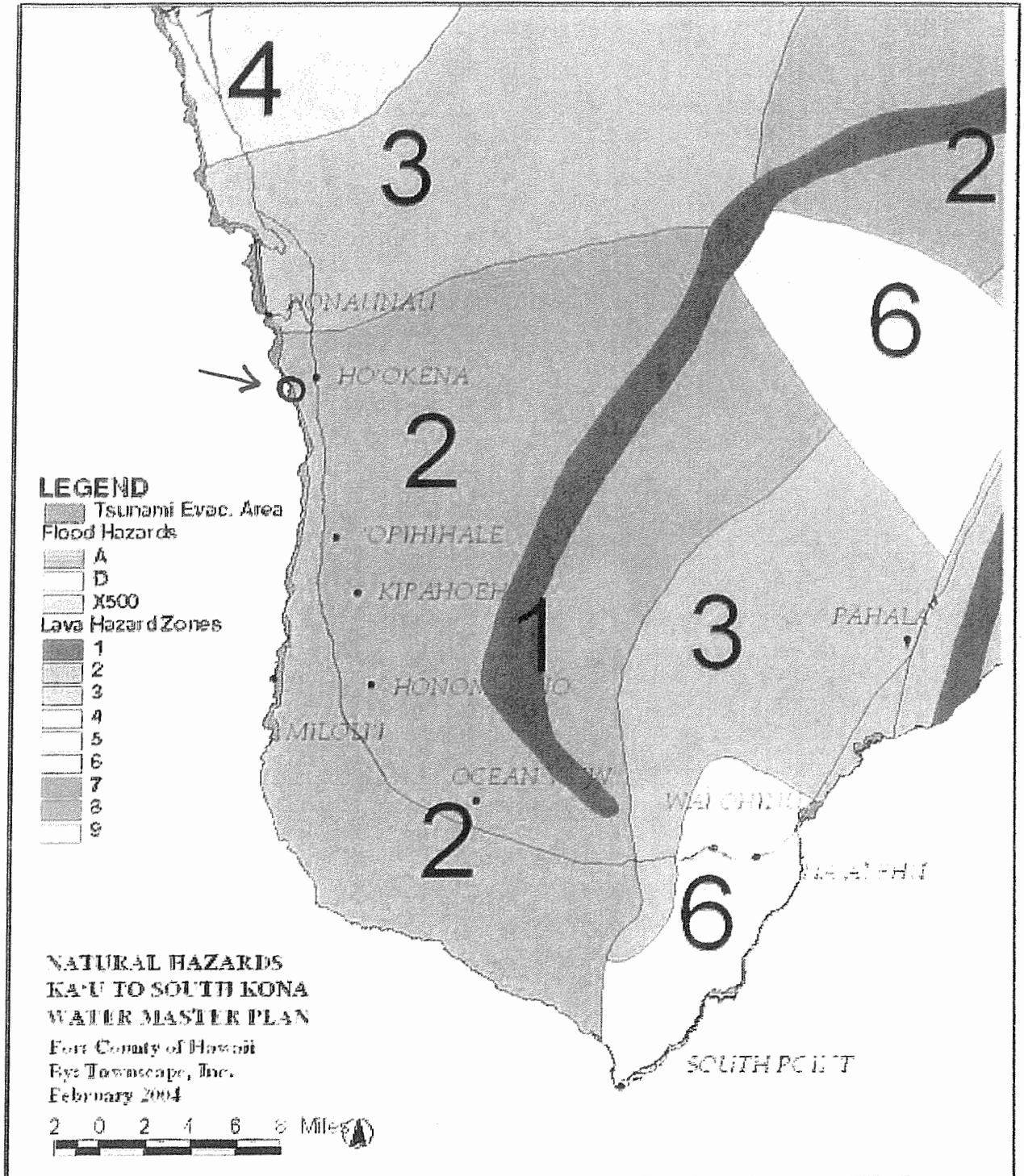
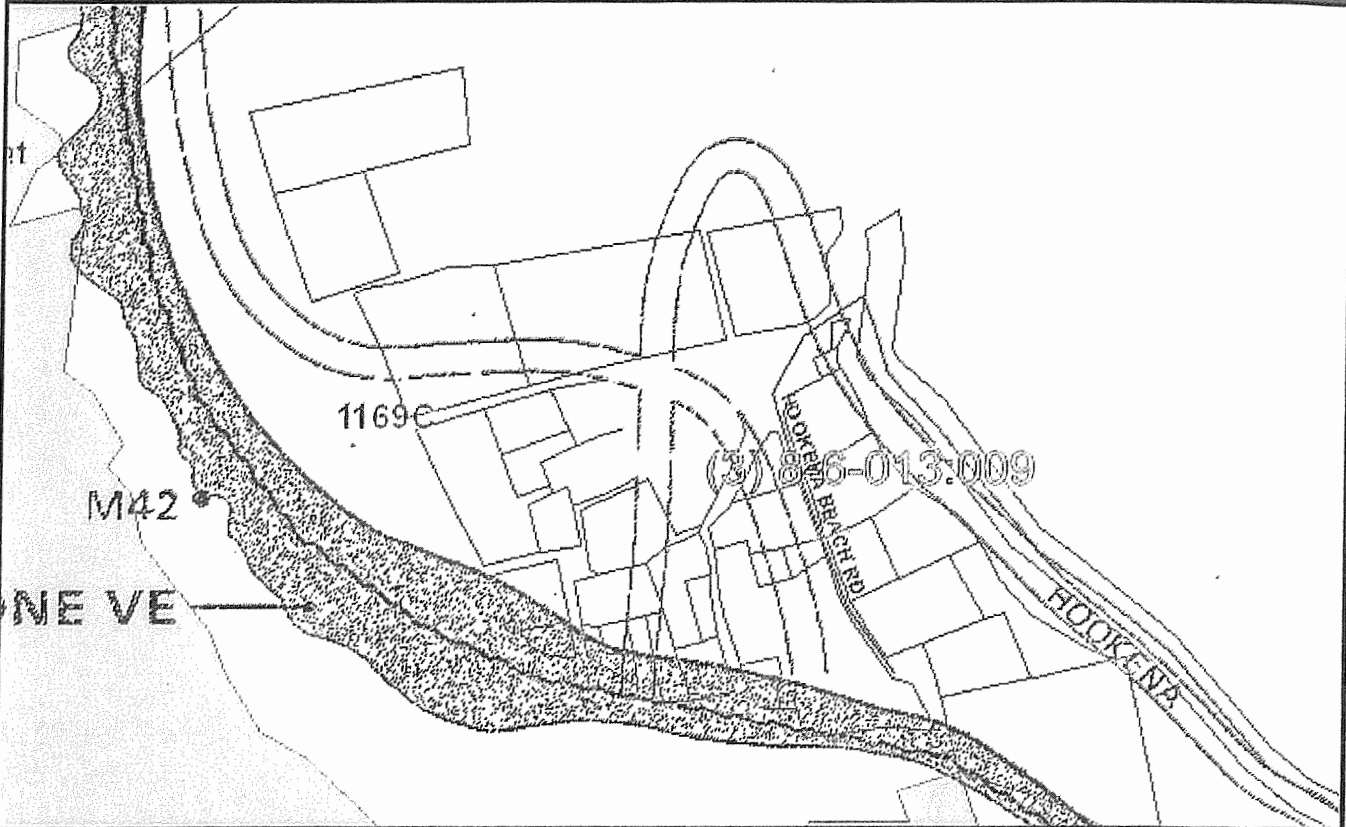


EXHIBIT I

County of Hawaii Ka'u to South Kona Water Master Plan, displaying data from United States Geological Survey, Lava Flow Hazard Map for the Island of Hawaii.



FLOOD HAZARD ASSESSMENT REPORT



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD ZONE DEFINITIONS

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD – The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- Zone A: No BFE determined.
- Zone AE: BFE determined.
- Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
- Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
- Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
- Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA – An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

- Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

PROPERTY INFORMATION

COUNTY: HAWAII
 TMK NO: (3) 8-6-013-009
 PARCEL ADDRESS:
 FIRM INDEX DATE: APRIL 02, 2004
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL(S): 1551661169C
 PANEL EFFECTIVE DATE: SEPTEMBER 16, 1988

PARCEL DATA FROM: JULY 2011
 IMAGERY DATA FROM: MAY 2005

IMPORTANT PHONE NUMBERS

County NFIP Coordinator
 County of Hawaii
 Frank DeMarco, CFM (808) 961-8042
 State NFIP Coordinator
 Carol Tyau-Beam, P.E., CFM (808) 587-0267

Disclaimer: The Department of Land and Natural Resources assumes no responsibility arising from the use of the information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the Department of Land and Natural Resources from any liability, which may arise from its use.

Preliminary DFIRM Disclaimer: If this map has been identified as "PRELIMINARY", please note that it is being provided for commenting purposes only and is not to be used for official/legal decisions or regulatory compliance.

Awawaloa Cape.
AWAWALO A BAY

Puhinui Cape

Moku o Keaumoku

Mokuolale

Pohoele

KAUHA KO
LANDING

Kapuamau Pt.

Maluapaka ho. Pt.

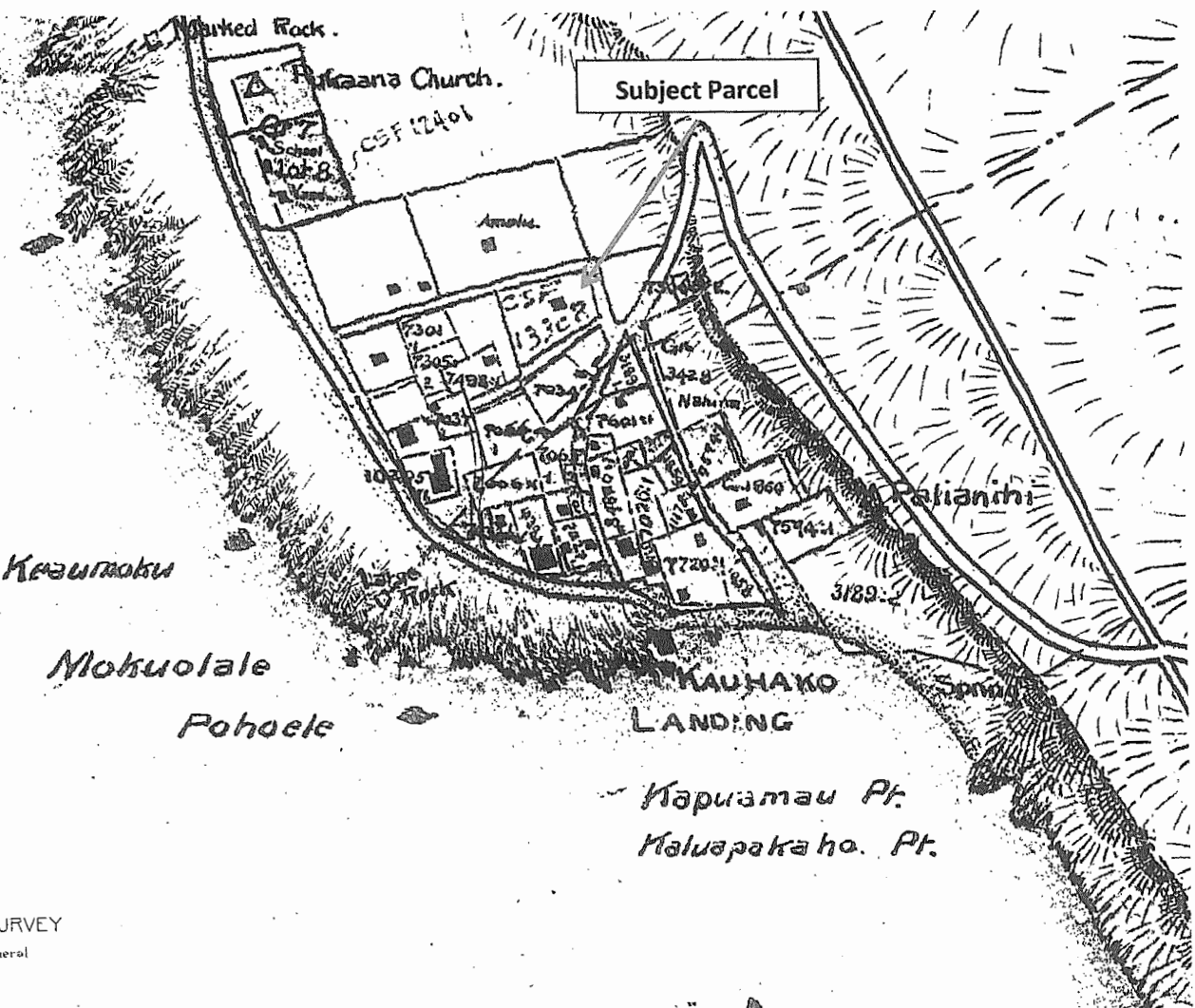


EXHIBIT K

HAWAIIAN GOVERNMENT SURVEY
W DALEXANDER Surveyor-General

MAP OF HOOKENA SECTION

SOUTH KONA
HAWAII

Scale 500 ft. = 1 inch.
W.A. WALL 1895.

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 6

Gregg Application for Conservation Subzone Boundary Amendment

DLNR Minutes (8/22/14)

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND OF NATURAL RESOURCES**

DATE: FRIDAY, AUGUST 22, 2014
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson William Aila called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

MEMBERS

William J. Aila, Jr.
Thomas Oi
Christopher Yuen
Ulalia Woodside

James Gomes
Stanley Roehrig
Vernon Char

STAFF

Linda Chow-Deputy AG
Maria Carnavale-PMNM
Kevin Moore-LAND
Dan Quinn-PARKS
Carty Chang-ENG

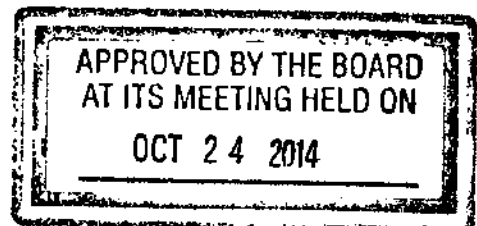
Luna Kekoa- Makai Watch
Sam Lemmo-OCCL
Andrew Chow- DOCARE
Ed Underwood- DOBOR
Gordon Heit-LAND

OTHER

Ross Smith/ DOT-AIR
Dr. Biran Bowen/F-1
Dan Dekins/K-2
Randy Vitousek/ D-13
Jerel Yamamoto/ D-15
Jim Mee/ D-12
Dan Purcell/ D-8, L-1, D-14, D-20
Gary Oda/ D-14

Patti Miyashiro/ DOT-HAR
Jacob Asher/ F-2
Lincoln King/ K-3
Rene Siracusa/ D-13
Linda Kaiser/ D-11
Phil Hanret/ D-8
Bart Howk/ D-17

Chair Aila recognized the two new Land Board Members, Vernon Char and Ulalia Woodside. Board Member Char indicated that he was thankful for the opportunity to serve on the board, and was looking forward to participating in meetings.



Board Member Woodside expressed that she was excited by the opportunity to serve Hawai'i, our lāhui, and our 'āina.

Item A-1 Approval of May 23, 2014 Minutes

Item A-2 Approval of June 13, 2014 Minutes

Item A-4 Approval of July 11, 2014 Minutes

Member Gomes made a motion to approve the minutes of May 23, 2014, June 13, 2014 and July 11, 2014. He has read the minutes and to his knowledge, they have been accurately stated. Member Oi seconded.

Unanimously approved as submitted (Gomes, Oi)

Item M-3 Issuance of a Direct Lease for Truck, Trailer, Container and Employee Parking to Y. Hata & Company, Limited, 2929 and 2919 Ualena Street, Honolulu International Airport, Tax Map Key: (1) 1-1-004:013 and 012.

Ross Smith from Department of Transportation- Airports Division (DOT-AIR) asked to amend this item. DOT has recently received a request from the applicant to reduce the amount of property they will be leasing. The property consists of two lots, each with its own Tax Map Key (TMK). To comply with the request DOT is withdrawing the lot shown on the exhibit as 005119 with the street address of 2929 Ualena Street, TMK (1) 1-1-004:013. It consists of approximately 21,000 square feet. This withdrawal will result in a reduction of rent.

Unanimously approved as amended (Gomes, Oi)

Item M-2 Issuance of a Revocable Permit to Korean Air Lines, Co., Ltd, for the Purposes of a Passenger Check-in Counter, Overseas Terminal, Honolulu International Airport, Tax Map Key: (1) 1-1-003:058 (Portion).

Item M-4 Issuance of a Revocable Permit for Aircraft Storage to Unique Computer Systems DBA the Lange Group, Honolulu International Airport, Tax Map Key: (1) 1-1-076: 022 (Portion).

Item M-5 Issuance of a Revocable Permit for Aircraft Parking to Linne F. Holmberg, Dillingham Airfield, Waialua, O'ahu, Tax Map Key: (1) 6-8-014:016 (Portion).

Item M-6 Issuance of a Revocable Permit for Trailer to Johnson Controls, Inc., Kahului Airport, Maui, Tax Map Key: (2) 3-8-001:019 (Portion).

Item M-7 Issuance of a Revocable Permit for Trailer to Johnson Controls, Inc., Lāna'i Airport, Lāna'i, Tax Map Key: (2) 4-9-002:055 (Portion).

- Item M-8** Issuance of a Revocable Permit for Trailer to Johnson Controls, Inc., Moloka‘i Airport, Moloka‘i, Tax Map Key: (2) 5-2-004:008 (Portion).
- Item M-9** Issuance of a Revocable Permit for Land for Storage of an Office Trailer to K & S Helicopters, Inc., Space No. 006-101, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043:040 (Portion).
- Item M-10** Issuance of a Revocable Permit for Land for Storage of an Office Trailer K & S Helicopters, Inc., Space No. 006-104A, Kona International Airport at Keāhole, Hawai‘i, Tax Map Key: (3) 7-3-043: 040 (Portion).
- Item M-11** Issuance of a Revocable permit for a Podium to Alaska Airlines, Inc., Līhu‘e Airport, Kaua‘i, Tax Map Key: (4) 3-5-001:008 (Portion).
- Item M-12** Issuance of a Revocable Permit for a Shared Baggage System to Alaska Airlines, Inc., Līhu‘e Airport, Kaua‘i, Tax Map Key: (4) 3-5-001: 008 (Portion).
- Item M-13** Consent to Assignment of State Lease No. DOT-A-98-0017 from United Air Lines, Inc. to Continental Airlines, Inc. (Now Known as United Airlines, Inc.), Honolulu International Airport, Tax Map Key: (1) 1-1-003:218 (Portion).
- Item M-14** Consent to Sublease of State Lease No. DOT-A-91-0021 from Pacific Aviation Services, Inc. to Airborne Aviation, LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-072:051.
- Item M-15** Consent to Sublease of State Lease No. DOT-A-91-0021 from Pacific Aviation Services, Inc. to AMR Air Ambulance, Honolulu International Airport, Tax Map Key: (1) 1-1-072:051.
- Item M-16** Issuance of a Revocable Permit to Park Mobile Fuel Trucks and Ramp Equipment for Fueling Operations, Barbers Point Aviation Services, LLC, Kalaeloa Airport, Island of O‘ahu, State of Hawai‘i, Tax Map Key: (1) 9-1-013:032 (Portion).

Items M2 and M4-M16 were nnanimously approved as submitted (Gomes, Oi)

M-1 **AMENDMENT-** Issuance of a Right-of-Entry Permit to Hawai‘i Pacific University, Hawai‘i Lifestyle Retail Properties LLC and Swinerton Builders to Provide Ingress and Egress for Forklifts, Roll-off Trucks and Other

Equipment for the Performance of Additional Demolition and Construction Work at the Aloha Tower Marketplace and to Provide Pedestrian Access to Customers of the Aloha Tower Marketplace during the Period of Demolition and Construction, situated at Piers 8, 9, 10, and Pedestrian Access Easement "A", Honolulu Harbor, Honolulu, O'ahu, Tax Map Key: (1) 2-1-001:001 and 063 (Portion).

Patti Miyashiro from the Department of Transportation-Harbors Division (DOT-HAR) explained that the amendment was to add additional area to the right of entry that was previously approved for HPU to continue their renovation to Aloha Tower Marketplace. In addition to the two areas that were added, DOT-HAR has also included a condition that upon written notification, DOT can restrict or limit the access to the areas around Aloha Tower for operational and security purposes.

Unanimously approved as submitted (Gomes, Oi)

Chair Aila explained that since there are so many new Board members, the Department is going to start having informational briefings added to the agenda or briefings the day before Board meetings so the divisions can update the Board on how they are doing.

Item B-2 The Division of Conservation and Resources Enforcement (DOCARE) will Brief the Board of Land and Natural Resources (BLNR) on the State of Hawai'i Makai Watch Program, the Overall Functions of the Makai Watch Program, and the Process and Communication Between DLNR and the Makai Watch Communities.

(No decision will be made/ No Staff Submittal)

Luna Kekoa the State Makai Watch Coordinator with the Division of Conservation and Resources Enforcement (DOCARE) thanked everyone for the opportunity to present the State Makai Watch Program. The mission of the Makai Watch is to enhance the near shore resources by linking volunteers and community members with resource managers and enforcement officers. This relationship helps steward our near shore resources.

The Makai Watch Program is made up of two components: Awareness Raising and Outreach (ARO) and Observation and Incidence Reporting (OIR). ARO is going out and educating people about resources. OIR is being able to effectively take down license plates numbers, and descriptions so that you can turn in a report that DOCARE can follow up. There is also an Optional Human Use and Biological Monitoring Component. This component is optional because everything needs to be standard across the board and some Makai Watch programs find it doesn't work for their communities.

The benefits of the Makai Watch Program are effective stewardship, improved relationships, trained volunteers, outreach and education and DLNR endorsement.

Statewide there are currently 8 Makai Watch communities located on Kaua'i, O'ahu, Maui and Hawai'i Islands. The Governance of the Makai Watch Program is through an Advisory Group which includes government agencies, partners and funders. These are: the DLNR Chair,

Division of Aquatic Resources, Division of Conservation and Resources Enforcement, the Hawaiian Islands Humpback Whale National Marine Sanctuary, KUA- Kua'aina Ulu Auamo, The Nature Conservancy, Hawaii Wailea Fund, and the Coral Reef Alliance, Conservation International, and the Harold Castle Foundation.

Makai Watch Program Standards include; Organizational Representation, Program Support and Evaluation, Makai Watch Site Program Coordinator, Minimum Activity, Management of Volunteers, Training and Education Outreach, Site Program Manuals and Quick Reference Guides, Coordination with DLNR, and Record Keeping.

The Enforcement Chain: the Makai Watch Volunteer is out and sees a violation, they call 643-DLNR, the site coordinator records it on their monthly log and the state coordinator also tracks it. Once the violation gets to a DOCARE branch chief, they will assign it to an officer, the officer will conduct their investigation. Once the investigation is done, the officer reports back to the state coordinator, who reports back to the site coordinator, who reports back to the volunteer.

Member Gomes asked what determines a Makai Watch site, or who picks the sites. Kekoa explained that these sites were chosen through Makai Watch strategies. There is an application if a community wants to put together a Makai Watch. As of right now DOCARE's capacity is 2 per island. They evaluate every 6 months and every month a report is turned in. This all depends on the volunteers, when they are doing their observations and monitoring.

Currently the strategy is being implemented; there are 2 Pilot Projects in Maunaloa and Kahana, and Community Trainings.

Item D-3 Enforcement Action Regarding Violations on Unencumbered Public Lands, Unauthorized Land Clearing, Construction of Housing Structures and Removal of 'Ōhia Timber by The Village Green Society/Hawai'i's Volcano Circus, Kehena, Puna, Hawai'i; Tax Map Key (3) 1-2-009:015 portion.

Written testimony was submitted by Ted H. S. Hong, Esq.

Deferred

Item F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Brian Bowen, University of Hawai'i, Hawai'i Institute of Marine Biology, for Access to State Waters to Conduct Genetic Survey Activities.

Maria Carnavale, State Co-manager for Papahānaumokuākea Marine National Monument (PMNM), explained that items F-1 and F-2 are both request for approval for Papahānaumokuākea permits and those that have activities in the state marine refuge. Carnavale reviewed item F-1.

Chair Aila asked Dr. Brian Bowen to come up and explain to the Board why the research is so important and comment on some of the recent findings. Dr. Bowen disclosed that the genetic

connectivity matters because if the resources are depleted on one island, we need to know whether they can be quickly replenished from another island. Over the last few years, they have been finding through their studies that the predominant flow of larvae is to the North West from the main Hawaiian Islands. Therefore responsible management of our resources here in the main Hawaiian Islands is even more important

Member Gomes asked what was being done to replenish fish here on the main Hawaiian Islands. Dr. Bowen told Member Gomes that island by island, day by day management is the best way to do this.

Chair Aila asked if there was an example of a species that they thought they would be able to get more recruits from but now studies show that is not the case. Dr. Bowen said ‘opihi was at the top of that list. ‘Opihi are best managed at the island level.

Member Woodside asked Dr. Bowen if he shares the Hawaiian cultural guidance that helps inform his research or activities. Dr. Bowen confirmed that if a scientific practice was culturally inappropriate, then they don’t do it.

Unanimously approved as submitted (Gomes, Yuen)

Item F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit Amendment to Mr. Jacob Asher, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, for Access to State Waters to Conduct Videographic Surveys of Coral Reef Fishes Research Activities.

Carnavale briefed the Board on item F-2 noting that the amendment to this permit was to add two locations.

Chair Aila asked Jacob Asher who would be the customers or benefactors of the video. Asher said that the first pass of the video is going to be analyzed internally. They are looking first at how video counts of reef fish compares to diver surveys. The second is documenting roving predator populations, such as shark.

Member Oi asked if the cameras are permanently in the water. Asher explained that the cameras are in the water and their deployment time is 1 hour, they typically go out with 4-6 camera stations and deploy them at random sites and random times.

Member Woodside asked if this was their first time doing this in Papahānaumokuākea. Asher explained that they went in May. Member Woodside asked if they were trying to target seasonal cycles or if they are just trying to get on when there is a boat available to take them up there. Asher said it is dependent on when the resources are available. They are trying to go around the same time every year.

Unanimously approved as submitted (Gomes, Yuen)

Item K-2 Conservation District Use Application (CDUA) MA-3706 for the After-the-Fact Recreational Facility by Maui Canoe Club Located at Mā‘alaea Bay, Kihei, Waikapū, Maui, Portion of Tax Map Key: (2) 3-8-005:003.

Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands-OCCL, presented item K-2 giving background on Maui Canoe Club. This is asking for authorization allowing Maui Canoe Club to remain on site. The issue did go to public hearing, where the community was very supportive. This qualifies under a recreational facility under the public purpose use category.

Dan Deknis who helped work on the application thanked Lemmo and the Board.

Unanimously approved as submitted (Gomes, Oi)

Item K-3 Conservation District Use Application (CDUA) HA-3705 Regarding Darrin and Debra Carlson’s Single Family Residence (SFR) Project, Located in the Puna District, Island of Hawai‘i, Tax Map Key: (3) 1-5-010:028.

Lemmo reviewed item K-3. OCCL issued a FONSI- finding of no significant impact. There have been comments from the County. DAR made comments on sewage disposal. The Na Ala Hele program commented regarding the Historic Trail on the property. OCCL asked for more information from Na Ala Hele and the State Historic Preservation Division- SHPD. They have all agreed to a number of conditions to protect the trail. There will be an easement and a buffer zone around the trail. There are also special conditions that require the applicant to implement the preservation plan, provide geographic coordinates for each end of the coastal trail segment and letting them know that the state reserves the right of ownership of Historic trails. Deputy Attorney General Linda Chow stated that the reference in condition #9 should be Chapter 264 HRS.

Member Roehrig asked if the original land grant is on the mauka side or makai side of the property. He understood that the road is on the mauka side, but not the ala hele aupuni. Lemmo wasn’t sure if staff looked at the grant. Lemmo’s concern was if this archeological feature is on this trail.

Lincoln King with Native Technologies explained that they had a full archeological survey done, in consultation with SHPD. Someone from SHPD went out to the property and did suspect the trail was on the makai side of the property. The archeological consultant went in and did a thorough field investigation and found remnants of the trail running 20-30 ft. off the edge of the coast. That is what the easement is at this time.

Member Yuen asked if the public would have the right to walk across the trail. Lemmo thought that would be allowed if the applicants granted an easement to the state. Member Yuen said he was asking because there is currently is a preservation easement, which could mean they would have to preserve the features within the property, but not that the public has access to their trail. Member Yuen wants to be sure that the public has to have lateral access along this Makai trail. Member Yuen asked King if it was his understanding that the public will have the right to walk

across the trail. King responded that the owner understands that the trail needs to be accessible to the public.

Lemmo commented that this isn't one of the conditions. King said it is very unlikely that anyone will want to traverse the trail but his client is willing to work on the language to include that the public does have that right. Member Yuen indicated that this should be a condition.

Member Yuen next addressed exhibit 6 and questioned the "scalloped area of the coastline". King said he didn't walk out to this area due to the thick vegetation but was able to describe the area. Member Yuen explained that the area he was talking about is not on their property, it's about 100 yards away, he said it looked unusual, like something else was going on there that was different. Lemmo added that this was a hazardous area and can fail.

Member Woodside stated that she would like the trail recorded at the Bureau so that future land owners will know there is a significant trail segment on the property and there is a public easement for the trail. Lemmo confirmed.

There was further discussion about the rockwall. Member Roehrig referenced exhibit 13. Lemmo explained that OCCL's main objective was to make sure the archeological features were preserved. Member Roehrig then recommended adding language that includes that any public rights access are not being affected, so if the rights are there, its preserved.

Member Yuen indicated that he would rather amend the condition that requires the preservation plan to say that it includes public access if requested by the state. It would go without saying that any rights that the public have would not be given away by this CDUP, we want the public to be able to walk in places where it's safe.

Member Oi pointed out recommendation #9 stated that the state owns the trail, therefore the state doesn't need an easement on something they own. Member Roehrig added if this trail was there before 1892, then its government land.

Member Yuen said he agreed with what Member Oi and Member Roehrig said, however he has been to the trail and sometimes the owners don't allow access and want evidence that this is a public trail. Member Yuen said that this should be made a condition in the permit. King agreed and said the owners would also agree with the condition.

Deputy AG Linda Chow made the Board aware that if the trail is an 1892 public highways trail, an easement is not needed. She recommended the owner adding an acknowledgement that it is a State owned trail.

Member Yuen made a motion to approve this item, adding a condition that the owner shall allow public access if requested by the State through the preservation easement that has previously been discussed. Member Roehrig seconded.

Unanimously approved as submitted (Yuen, Roehrig)

Item K-4 Proposed Amendment to Chapter 13-5, Hawai'i Administrative Rules for a Conservation District Subzone Re-designation From the Limited Subzone to the General Subzone Located at Ho'okena, South Kona, Hawai'i, Tax Map Key: (3) 8-6-013:009.

Written testimony was submitted by Glenn Shirmoa.

Lemmo went through item K-4 noting that when one of the (4) subzones needs to be changed, then a rule amendment needs to be made. This lot is zoned in the limited subzone and this type of subzone doesn't allow for development of a single family residence. To allow for a single family residence you have to change the subzone, which is what they are trying to do. OCCL didn't find it unreasonable not to allow this amendment. The recommendation would be to change the subzone from limited to general. If successful, then the applicant come forward with a Conservation Use Application to build a second home. The second recommendation is asking to forward this rule amendment to the Governor for approval.

Member Roehrig asked if the subzones for the other lots had the same general subzone. He was asking because there were lots of territorial disputes. Member Roehrig wanted to be sure that everyone else in the area is getting the same thing this lot was getting. Lemmo explained that there is agriculture zoning right next to it. This might encourage other owners to come in and ask for the same thing, and they would have the same opportunity.

Randy Vitousek, representing Fredrick Gregg wanted to address Member Roehrig's question by letting him know that this went to public hearing and 20 people from the Ho'okena community went and testified in favor of this. It's stated in the report that Mr. Gregg has proven to be a good neighbor, a good man and welcomed by the community.

Member Yuen asked if Mr. Gregg still has to apply for a CDUP for the house after the zoning has changed. Lemmo and Chair Aila confirmed.

Unanimously approved as submitted (Roehrig, Yuen)

Item D-13 Issuance of Direct Lease to Puna Community Medical Center for Comprehensive Medical Center Purposes, Keonepoko Nui, Puna, Hawai'i, Tax Map Key: (3) 1-5-008:005.

Kevin Moore Acing Administrator for Land Division- LAND, reviewed item D-13. The applicant has obtained a FONSI so staff recommendation is to approve the 35 year lease at the nominal rent.

Rene Siracusa President of Puna Community Medical Center thanked staff and asked that the Board consider changing the term from 35 years to 65 years. Hurricane Iselle heightened realization of the need for improved access to emergency medical care. Since everything runs on electricity, when the power went out they couldn't keep the clinic open and lost many of their emergency supplies. When they build this new emergency room, they want to build it so they are not dependent on power lines. This is a small nonprofit in the most economically depressed part

of the State, and they are dependent on grants. Funders look at how long equipment or a facility going to be able to serve the public. By the time they finish staffing and stocking this emergency room 35 years is going to be gone already. The population is growing and they are going to need this more as the time frame gets smaller and smaller.

Member Roehrig asked what the legal restraints were. AG Linda Chow disclosed that the Board does have the authority to change the term of the lease or extend the lease if they qualify at a later date. She gave Member Roehrig confirmation that the Board can change the lease term to 65 years today.

Member Roehrig then asked why the original lease wasn't made for 65 years to begin with. Gordon Heit, the Hawaii Island District Land agent said his understanding was that most nonprofit lease terms are for 35 years.

Member Woodside asked the AG if it was possible to do a 35 year lease with the option to extend. AG Linda Chow said yes, because it's a negotiated lease, the duration can be renegotiated during the term of the lease.

Member Gomes asked Siracusa if it was easy for them to get grants and how many grants do they get a year. Siracusa said they got a senate grant-in-aid this year. There are also several people in the senate who said they will consider following up on subsequent grants to make this happen again.

Member Roehrig made a motion to approve with the amendment of 65 years instead of 35 years.

Unanimously approved as amended (Roehrig, Yuen)

Approved as amended. The Board approved a 65-year lease term, as opposed to the 35-year term proposed in the submittal, and added additional rental re-openings at the 40th, 50th and 60th years of the lease term

Item D-15 Consent to 10-Year Term Extension of General Lease No. S-3716, Hawaiian Fresh Products, Inc., Lessee, Pursuant to Act 207, Session Laws of Hawai'i 2011; Amendment of Terms and Conditions Regarding Allowed Use, Kanoelehua Industrial Lots, Lot 1-A, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-050:015.

Moore reviewed item D-15.

Member Roehrig disclosed that he gets occasional legal advice from Jerel Yamamoto. AG Chow said that's fine, that doesn't disqualify him from voting on this item.

Member Yuen asked how the amendment of the character of use relates to this property being auctioned long ago. Moore explained that this relates to special leases after the tsunami.

Jerel Yamamoto the attorney for Hawaiian Fresh, wanted to know if the provision prohibiting arbitration was consistent with the requirements of law.

There was a discussion of the “no arbitration” provision, with the result that 1) a request for a legal opinion had been made to the AG’s office; and

2) If necessary, the board submittal could be amended after the department receives the AG opinion.

Member Roehrig made a motion to approve the staff recommendation with the understanding that after the AG’s opinion comes in, if it is determined that that Bill 18-33 is applicable to this lease the benefits of that bill be extended to this lease. Member Yuen seconded.

Unanimously approved as amended (Roehrig, Yuen)

Approved as amended. The Board amended the staff recommendation regarding the appraisal for the lease extension period by stating that if the Department of the Attorney General determines that Act 168, Session Laws of Hawaii 2014, is applicable to the appraisal of rent for the lease extension, then the benefits of the act will be extended to the lease.

Item D-11 Issuance of a Right-of-Entry Permit to Waikiki Rough Water Swim Committee, Inc. for a Swim Race Event to be held on September 1, 2014, at Waikiki, Honolulu, O’ahu, Tax Map Key: (1) 2-3-37:por. 21.

Linda Kaiser with the Board of Waikiki Rough Water Swim was present to answer questions. She said this was their 45th swim. The event averages 1000 swimmers from all over the world.

Unanimously approved as submitted (Char, Yuen)

Item D-12 Request for Cancellation of Term, Non-Exclusive Grant Easement No. S-4414 and Issuance of New 65-Year Term, Non-Exclusive Easement to John M. Mehan and Tina Mehan, Trustees of the John M. and Tina Mehan Revocable Living Trust, for Access and Utility Purposes, Waioli, Hanalei (Halele’a), Kaua’i, Tax Map Key: (4) 5-5-006:020.

Moore presented item D-12 explaining that this easement expires in 2039 however the current holder of the easement is requesting that the easement be converted into a perpetual easement. With only 25 years remaining, it’s becoming more difficult for the owner to refinance the property. Staff recommendation is to cancel the existing 65 year easement and issue another 65 year easement that will take care of the concerns about the time remaining. OHA submitted testimony in support of the issuance of a term easement so the ceded lands corpus is not bound by perpetual dispositions.

Member Gomes made a motion to go into Executive Session pursuant to Section 92-5(a) (4), Hawai’i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities. Member Oi seconded.

Member Yuen asked to hear from the applicant before going into Executive Seccession.

Jim Mee the attorney representing John and Tina Mehan gave some background. In 2002 when the owners acquired the property they got title insurance and the policy says there are two access easements. They are advocating for a perpetual easement because the land in question is a government grant from 1852. They are willing to pay the appraised value.

Member Roehrig asked what authority the Board has to give perpetual easements. Mee referred to Section 171-13 subsection 2. He said that he's not advocating that anyone that comes before the Board should get an easement. However, they are asking for one because of historical circumstances for this parcel.

11:04AM EXECUTIVE SECESSION
11:34AM RECONVENE

Member Oi made a motion to go with staff recommendation. Member Roehrig seconded.

Chair Aila told Mee that it is important for his clients to understand that the Board realizes how complex the situation is statewide. Because of the complexity, the Board wants to address these types of requests on case by case basis.

Unanimously approved as submitted (Oi, Roehrig)

Approved as submitted. After emerging from executive session on this item, the Board recognized the complexity of granting term versus perpetual easements, but stated that all requests are to be handled on a case-by-case basis. The Board did not approve the perpetual easement sought by applicant.

Item D-8 Issuance of Perpetual, Non-Exclusive Easements and an Immediate Management Right of Entry Permit for Utility Purposes to Hawaiian Electric Company, Inc.; Rescind Prior Board Action of June 2, 1967, F-11, Kalihi, Honolulu, O'ahu; Tax Map Key: (1) 1-3-022:portions of 002 and 004, (1) 1-4-018:portion of 008; (1) 4-5-042:portion of 002.

Moore reviewed item D-8 explaining that one of the easements received approval back in 1967 but was never documented and has been in use for all these years. The second easement was documented under grant 2720 which expired in April 1960. No action was taken after the expiration but HECO continued to use the easement. Land Division is trying to clean up these two issues. Staff recommendation is to collect \$1,000 for the past use and assess fair market value at the current value of the perpetual utility easement going forward.

Phil Hauret with Hawaii Electric Company (HECO) testified that they support the staff recommendation.

Member Gomes asked Moore how a one-time \$1,000 fee was determined. Moore explained that they could have asked for the amount of perpetual easement at that time in 1967. It's arbitrary,

they are just trying to collect some money for that past use which they project would be a much smaller figure, but the Board will still receive fair market value for perpetual easement.

Dan Purcell testified that he was concerned with the term perpetual. There is a disagreement with who owns the lines, and he is worried that this will be the property of HECO.

Member Roehrig asked why the other people just asked for perpetual and Land Division turned them down. Now HECO wants a perpetual easement and it's okay; how is this okay. Moore said that for utilities, perpetual easements are normally recommended.

Chair Aila clarified that the situation is if the Board doesn't issue a perpetual easement then there is a violation. The Board has to do it one way or the other. Member Roehrig was not satisfied.

Unanimously approved as submitted (Char, Gomes)

Item D-17 Grant of Perpetual, Non-Exclusive Easement to the Water Board of the County of Hawaii (WBCOH) for Water Pipeline Purposes; Authorize the Issuance of a Management and Construction Right-of-Entry to WBCOH, Maka'ula-Kalaoa 1st-4th, North Kona, Hawai'i, Tax Map Key: (3) 7-3-010: 042 & 044.

Moore presented item D-17. This would service the Palama nui development, a private developer will be pay the cost to install the line. Staff recommendation is to issue an easement to the County of Hawaii on a gratis basis perpetually and a management construction of a right of entry to the County of Hawaii who can then have their contractors and consultants enter the property under its authority.

Bart Howk an attorney representing Palama Nui said that the pipeline has already been built. He also commented that one of the conditions was that the County of Hawaii accept the pipeline before Board grant the easement. Howk said he wasn't sure if they would accept it before the Board grants the easement. He asked if there was a way to adjust the language to where both can happen simultaneously. Both their acceptance and the Board's grant of the easement are contingent on one another.

Member Roehrig made a motion to accept staff recommendation, with the added condition that the legal effect will be the action by the Board will precede the acceptance of the line by the county.

Unanimously approved as amended (Roehrig, Yuen)

Approved as amended. The Board approved the staff recommendation, but added a condition that the legal effect of the Board action approving the grant of easement shall precede the Water Board of the County of Hawaii's acceptance of the water line.

Item B-1 Request Approval To Seek The Governor's Approval To Indemnify The City And County Of Honolulu Department Of Parks And Recreation For The Use

Of The Koko Head Shooting Complex On September 20-21, 2014 For National Hunting And Fishing Day Celebration.

Andrew Choy, Acting Program Coordinator for the Hunter's Education Program presented item B-1. This is the 24th annual event in Hawaii, last year's event drew about 700 people. All donations go toward the Food Bank. Last year about 2,500 pounds of food was collected and they raised about \$3,000. The event is a way to celebrate the contributions sports men and women in fishing, hunting and wildlife restoration programs while also giving back to the Food Bank.

Unanimously approved as submitted (Gomes, Char)

Item E-1 Consent to Assign General Lease No. SP-0124 Paul and Arline Matsunaga, Assignors to Isaac and Debra Ho'okano, Assignees. Lot 63, Pu'u Ka Pele, Waimea (Kona, Kaua'i, Tax Map Key: (4) 1-4-002:063.

Dan Quinn Administrator for State Parks- PARKS and Steve Soares, property manager, reviewed item E-1 and provided background. There are approximately 100 leased cabins in the Kokee/Waimea Canyon area on Kauai. These were built primarily by kam'āina families and have been directly negotiated with the people that are there. The people that now have the leases are looking toward assigning those to family members because they are getting older and want to make sure the leases get carried on. These are 20 year periods that would be for the duration of the lease period. Staff recommendation is to approve this with recommendations.

Member Yuen asked if the cabins are permitted as vacation or other short term rentals. Quinn explained that they are not, these are supposed to be occupied no more than 180 days per year, the intent was for these to be retreats.

Member Gomes asked how long ago these cabins were built. Quinn said it ranged from 1920's to 1970's. Many were built in 1920's and 1930's. Any remodeling would require a State Historic Preservation Division (SHPD) review. Member Gomes asked if an EA would need to be done if someone wanted to get a longer lease. Quinn said that the way the law was written allowed a one-time direct negotiation the last time around; at the end of that period it would go out to an open competitive process.

Member Gomes then asked if there are any identifiable archaeological sites. Quinn said the houses are historic and there are likely pre-contact sites. However anytime anything is being proposed along the ground, state parks archeologist will review everything before anything is approved.

Unanimously approved as submitted (Oi, Yuen)

Item J-1 Request Approval for Termination of Harbor Lease No. H-86-9 (C) Issued to Braun Management Co., Ltd. Located at Mā'alaea Small Boat Harbor, Kealaloa, Ukumehame, Wailuku, Maui, Tax Map Key No. (2) 3-6-01:34.

Ed Underwood, Administrator of the Division of Boating and Ocean Recreation- DOBOR, explained that it came to DOBOR's attention that Braun Management Co., Ltd otherwise known as Buzz's Restaurant had closed. Underwood contacted the Vice President, Sandra Bowen, and confirmed that they were closed for business due to the downturn in economy. After checking records DOBOR did find that they were a little behind in rent. Underwood told Bowen that if they could come current with their rent then DOBOR would be inclined to make a recommendation to the Board to terminate the lease. As of this morning they have come current with their rent and did vacate the building at the end of July. Staff is recommending termination by mutual agreement.

Member Yuen asked Underwood for assurance that DOBOR is aware if someone is late on rent. Underwood said they are now sharing the Slim System, however only one person has authorization to be on that system. At the time of this incident that person was out, but when they came back Underwood was able to pull the report and see that they were about 30 days behind. Member Yuen commented that he just wanted to be sure that DOBOR is doing regular checks to see who is current. It becomes increasingly difficult to get backpay as backrent gets larger.

Underwood added that DOBOR only has one property manager for all of their facilities statewide. This year the legislature authorized two new positions, so DOBOR is now building up their property management section.

Unanimously approved as submitted (Gomes, Oi)

Item J-2 Request that the Board of Land and Natural Resources Approve the Amendments to Hawai'i Administrative Rules (HAR), Section 13-233-26, Charges for Parking - Allows the Board of Land and Natural Resources to Set Vehicle Parking Rates at Equal to or Less Than State or County Rates and Section 13-256-16, Thrill Craft Operations; General - Clarifies that Individuals Who Have Completed and Received a Certification for Thrill Craft Operations from an Accredited Institution of Higher Learning Meets the Mandatory Vessel Education Requirement of Section 13-244-15.5 that Takes Effect on November 10, 2014. The Rules can be reviewed online at <http://dlnr.hawaii.gov/dobor/draft-rules/> or can be reviewed in person at any small boat harbor from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

Underwood indicated that years ago DOBOR amended the parking rules to determine how the fee would be set, and they said they would set the fee equal to or less than County rates. When they went to Ma'alaea Small Boat harbor in Maui it was determined to Ma'alaea does not have the established parking rates so they added the words "equal to or less than state or county rates in the county in which it's being established". The second rule is there is mandatory boating education requirement coming up; anyone operating of a boat as of November 10th this year will be required to have some sort of vessel training by taking an approved class.

Member Gomes asked if training was free. Underwood said yes, it's free and practical. It's a one-time deal. Member Gomes if there is a fine for people operating a vessel but didn't take

class? Underwood said they are working with DOCARE and want to do outreach to continue to notify the public. They don't want to just go out and start fining people. You can go into DOBOR or go online, there are many ways to get this done.

Unanimously approved as submitted (Char, Gomes)

Item L-1 Certification of Election of Brad Lau to Serve as a Director of the Mauna Kea Soil and Water Conservation District.

Carty Chang Chief Engineer said there are 16 districts and each one has 5 directors, and each director needs to come to the Board for certification.

Dan Purcell testified that Mauna Kea and Windward Oahu districts are not filing their agendas online or with the Lt. Governor's office.

Chair Aila assured Purcell that since they are both administratively attached to the DLNR, he would have Chang send out a notice to them to be sure that they file with the Lt. Governor's office.

Unanimously approved as submitted (Gomes, Oi)

Item L-2 Appointment of Tyler Jones and Nathan Miranda to Serve as Directors for the Windward Oahu Soil and Water Conservation District.

Item L-3 Appointment of Dan Clegg to Serve as a Director of the Central Maui Soil and Water Conservation District.

Item L-4 Appointment of Neil Nakamura to Serve as a Director of the Olinda-Kula Soil and Water Conservation District.

Items L1-L4 were unanimously approved as submitted (Gomes, Oi)

Item L-5 Appointment of James J. Nobriga and Certification of Election of Pōmaika'i Kaniaupio-Crozier to Serve as Directors of the West Maui Soil and Water Conservation District.

Item L-6 Certification of Election of Susan Cuffe to Serve as a Director of the Hāna Soil and Water Conservation District.

L-5 and L6 unanimously approved as submitted (Gomes, Oi)

Item L-7 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules, Job No. F46C602B, Koke'e

State Park, Koke'e Roadway Improvements, Phase 1, Waimea, Kaua'i, Hawai'i.

Chang explained that these types of projects are coming to the Board because projects that involve state funds or state lands require a chapter 343 analysis. A lot of the projects done fall into the exemption category and the Board has the authorization to declare these projects exempt. Staff is asking for Board approval that these actions are exempted from the preparation of an environmental assessment. These are general maintenance or improvements that have minimal or no significant impact.

Unanimously approved as submitted (Char, Yuen)

Item L-8 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules, Job No. H58C860A, Fort Ruger Baseyard Energy Efficiency Improvements Honolulu, O'ahu, Hawai'i.

Unanimously approved as submitted (Char, Yuen)

Item L-9 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules, Job No. J45CO41G Makiki Valley Trail Rockfall Mitigation, O'ahu, Hawai'i.

Unanimously approved as submitted (Char, Yuen)

Item L-10 Application for a DLNR Dam Safety Construction/Alteration Permit, Permit No. 70 - Helemano 16 Reservoir (OA-0045), Dam Removal, Wahiawā, O'ahu.

Chang conveyed that anytime an owner wants to make an improvement, then they need to come to the Board so the Board can grant authority to the Chairperson to sign that permit. This dam is in bad condition. Whole Foods decided to remove it.

Unanimously approved as submitted (Char, Yuen)

Item K-1 Memorandum of Agreement Between the Department of Land and Natural Resources and the University of Hawai'i, School of Ocean, Earth Science and Technology (SEOEST), to Support the Development of Information for the Coastal Lands Data Program and Sea-Level Rise Vulnerability and Adaptation Report Required Pursuant to Act 83, Sess. L. Haw. 2014.

Lemmo briefed the Board that recently the legislature adopted the Hawai'i Inaction Act, Act 83 which establishes an inter- agency climate committee. The committee is co-chaired by DLNR Chair and the Chair of the Office of Planning. The act directs the DLNR to develop a sea level rise and vulnerability adaptation. There will be a State wide climate adaptation committee formed comprised of various agencies. They are beginning with sea level rise because it is

believed that there is enough information about sea level rise. Currently maps are being created to show evolution of the shoreline around the Hawaiian Islands. The major features of the MOU process is that it will increase the amount of money that the department can give to UH to do this to \$200,000 annually. UH will give DLNR an annual report with products and services completed. It has been a useful tool. This MOU would be good for 5 years, and has been approved by the AGs office. OCCL is also asking for authorization for the Chairperson to sign the authorization of the MOU if approved.

Member Woodside commended Lemmo for moving forward on looking at climate change issues and how it will affect our lands and communities across the state. She asked if this would give us statewide sea level data mapping or if this would be in specific areas. Lemmo explained that it would cover O'ahu, Kaua'i and Maui. The problem with covering Moloka'i, Lana'i and Hawai'i Island is that the department doesn't have the historical erosion data for those islands yet. There is commentary on how to get these islands jump started; they realize that this is something that needs to be figured out. With O'ahu, Kaua'i and Mau'i, there is historical data. SOEST will enhance it, update it and do the modeling for shoreline then do the plan after that.

Member Gomes asked if the outcome will help us with the rock revetment walls. Lemmo explained that they are going to update all of the erosion rate maps for these areas, then that info can be fed into the county setback systems. The other product is the modeling for the shoreline change.

Chair Aila indicated that this would provide data to determine infrastructure and setbacks in each county so they can make good decisions on determining the set back for building codes. In 20-30 years it will help decision makers determine why they can build their homes in certain locations.

Chair added that what is before the Board today is to enter into an agreement with UH to fund getting data on the sea level rise.

Unanimously approved as submitted (Yuen, Roehrig)

Item D-9 Second Amendment of Prior Board Action of April 12, 2013, Item D-12, Grant of Two (2) Perpetual, Non-Exclusive Easements to Clara Matthews, Sonny P. Lucas, and Debbie May Silva-Lucas for Access Purposes, by Authorizing the Issuance of Immediate Right-of-Entry Permit for Access Purposes to Clara Matthews; Kunawai, Honolulu, O'ahu, Tax Map Key: (1) 1-7-036:adjacent to 014 and 015.

Moore asked for a deferral of this item per the applicant.

Deferred

Item D-2 Cancellation of Revocable Permit No. S-3842 and Issuance of Revocable Permit to Kapa'a Ki-Aikido Club Inc. for Clubhouse Purposes, Wailua, Kawaihau (Puna), Kaua'i, Tax Map Key:(4) 4-1-009:018.

Unanimously approved as submitted (Yuen, Gomes)

Item D-4 Issuance of Revocable Permit to John and Gloria Coston for General Agriculture Purposes, Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004:049.

Unanimously approved as submitted (Yuen, Gomes)

Item D-5 Grant of 55-Year Term, Non-Exclusive Easement to the Association of Unit Owners of (AOUO) Hale Kai O Kihei for Five (5) Encroachment Areas within the State Beach Reserve; Assess a \$500.00 Fine and \$260.00 in Administrative Costs Against the AOUO Hale Kai O Kihei, Waiohuli-Keōkea Beach Homesteads, Kihei, Maui, Tax Map Key: (2) 3-9-008: Portion of 001.

Unanimously approved as submitted (Yuen, Gomes)

Item D-6 Amendment of Perpetual, Non-Exclusive Easement, Land Office Deed No. S-28,499, for Access and Utility Purposes, Waiohuli, Maui, Tax Map Key: (2) 3-9-009: 013 por. The Purpose of the Amendment is to Increase the Area of the Easement to Cover Existing Encroachments.

Unanimously approved as submitted (Yuen, Gomes)

Item D-7 Issuance of Right-of-Entry Permit to Olowalu Elua Associates LLC for Clean-up and Maintenance Purposes of State Unencumbered Land within the Olowalu Beach Reserve at Olowalu, Lāhainā, Maui, Tax Map Key: (2) 4-8-003:003.

Unanimously approved as submitted (Yuen, Gomes)

Item D-10 Consent to Issuance of Revocable Permit under Governor's Executive Order No.3447 to New Direction IRA, Inc. Honolulu, O'ahu, Tax Map Key: (1) 2-1-026: Portion of 027.

Unanimously approved as submitted (Yuen, Gomes)

Item D-14 Approve Rent Determination for the First Ten Years of Extended, Amended and Restated General Lease No. S-3961, Hilo-Hawaiian Associates, Inc., Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Key: 3rd/2-1-03:05.

Member Yuen asked for clarification on this item. Moore explained that normally there is a statutory process for resolving an arbitration process. However, in this case it was a lease extension under Act 219.

Member Roehrig expressed his concern about the inadequate parking. He asked if the lease extension would allow the Board/DLNR to encourage them to reconfigure the parking. Gordon Heit, district land agent for Hawaii Island, said that of all the leases in the area Hilo-Hawaiian has the best parking. Member Roehrig was not happy that there was no representative present.

Item D-14 was deferred until a representative from O'ahu could be present.

Gary Oda with HSS which is the entity that owns the Hilo Hawaiian Hotel showed up to answer questions.

Chair Aila explained that the Board had a concern with the parking facilities at the Hilo Hawaiian and the concern is how cooperative they would be with dealing with the parking situation and the master plan that all of the facilities are facing. Oda said originally they wanted to address the parking issue in their master plan if they got the bid for the Naniloa Hotel, but they didn't. Oda explained that they are definitely interested and interested in helping to improve the entire Banyan Drive area. Their general manager joined the working group that is trying to come up with a master solution.

Member Roehrig was happy to hear that, he asked Oda if they could get more parking, would they like to have it. Oda said absolutely. Member Roehrig was satisfied.

Dan Purcell testified that it is helpful to have people here, and thanked Oda for coming.

Unanimously approved as submitted (Roehrig, Yuen)

Approved as submitted. After discussion among the Board members, the Board approved the staff recommendation on the rent for the first ten years of the lease extension period, and expressed appreciation to Gary Oda for attending the meeting to answer questions.

Item D-16 Issuance of Right-of-Entry to the Big Island Invasive Species Committee (BIISC), Pursuant to Hawai'i Senate Resolution 41 for Conducting Strategic Management Plans for Control of Invasive Albizia Trees at Pi'ihonua, South Hilo, Hawai'i, Tax Map Keys: (3) 2-3-029:012 and 2-5-010:001.

Unanimously approved as submitted (Yuen, Gomes)

Item D-18 Rescind Prior Board Action of September 12, 1997, Item D-11, Regarding Issuance of Revocable Permit to Office of Historic Preservation for Maintenance and Restoration Purposes; and Issuance of Revocable Permit and Immediate Right-of-Entry to the Kaupo Community Association, Inc., for Landscape and Maintenance Purposes, Mā 'alo-Kaumakalua, Kaupō, Hāna, Maui, Tax Map Key: (2) 1-7-002:015.

Unanimously approved as submitted (Yuen, Gomes)

Item D-19 Approval of the Issuance of a Construction and Management Right-of-Entry Permit to the Division of State Parks for Unencumbered Public Lands at Waikapū, Wailuku, Maui, Tax Map Key (2) 3-8-007:104.

Unanimously approved as submitted (Yuen, Gomes)

Item D-20 Grant of Term, Non-Exclusive Easement to Scott Mitsuo Miyasaki and Beverly-Jo Leinani Miyasaki, and Tracy Leiko Miyasaki Lindo for Encroachment (including Portions of Family Residence, its Foundation and Lanai) Purposes; Assess Administrative Cost of \$500 and Fine of \$500, Hau‘ula, Ko‘olauloa, O‘ahu, Tax Map Key: (1) 5-4-010:Seaward of 009.

Dan Purcell commented that he wanted to make sure that all Board members are reviewing all items and are taking this job seriously. He also addressed housekeeping issues, all items are important.

Unanimously approved as submitted (Yuen, Gomes)

Item K-5 Proposed settlement in 2 cases, Henry Chang Wo, Jr. v. Board of Land and Natural Resources, et al., Civ. No. 12-1-0835-03 (Agency Appeal) and Henry Chang Wo, Jr. v. Board of Land and Natural Resources, et al., Civ. No. 12-1-0834-03 (Declaratory Action). (No Staff Submittal)

The Board anticipates going into executive session pursuant to Section 92-5(a), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

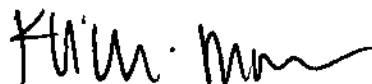
Member Gomes made a motion to go into executive secession pursuant to Section 92-5(a), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. Member Yuen seconded.

No decision made; discussion purposes only.

1:10PM EXECUTIVE SECESSION
1:43PM RECONVENE

There being no further business, Chairman William Aila adjourned the meeting at 1:49 pm. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku'ulei Moses
Land Board Secretary

Approved for submittal:



William J. Aila, Jr.
Chairperson
Department of Land and Natural Resources

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 7

Gregg Application for Conservation Subzone Boundary Amendment

Testimony of Clarence A. Medeiros, Jr.

April 22, 2014

LIMITED
CONSERVATION
DISTRICT LANDS

2014 APR 21 A 9: 31

Office of Conservation & Coastal Lands
P. O. Box 621
Honolulu, Hawaii 96809

NATURAL RESOURCES
STATE OF HAWAII

RE: Applicant, Frederick W. Gregg, Jr.'s Proposed Amendment to Chapter 13-5, Hawaii Administrative Rules, to Redesignate a Portion of Conservation District Land known as TMK (3) 8-6-013:009 located at Ho'okena, South Kona, Hawaii from the Limited Subzone into the General Subzone.

Aloha, Members of the Board of Land & Natural Resources:

My name is Clarence A. Medeiros, Jr. and I am the owner of TMK (3) 8-6-013:050, which neighbors the subject property to the north, across of the government road, and is identified by Photo 11 in Mr. Gregg's amendment application.

As a neighboring lot owner, I am in support of Mr. Gregg's application to redesignate his parcel, TMK (3) 8-6-013:009 from the Limited subzone into the General subzone.

My father, Clarence A. Medeiros, Sr. acquired the ownership of TMK (3) 8-6-013:050 by deed from the sole surviving Amalu heir in 1989 and my father in turn conveyed that property to me in 1991 (*Exhibit A & Exhibit B*). On May 17, 1999, Civil No. 97-01395 DAE, USA vs, 2,145 Hectares of Land & Nohea Marks Santimer, et al., as Successor Trustees of the Les Marks Revocable Living Trust Agreement was filed in the U.S. District Court. The proposed Findings of Fact and Conclusions of Law state that the Santimer, et al. Trustees have established "paper title to the Land Commission Award No. 9971, Apana 29 (the ahupua'a of Ho'okena), with the exception of the 1 ¼ acre parcel conveyed to T. K. R. Amalu".

This parcel was once owned by King Kalakaua who frequently visited the residence of T.K.R. Amalu who later acquired the property (*Exhibit C*). In addition to a house, the property also had a general store called Hui Opiopio, an inn, and numerous physical features that include a concrete platform and a concrete soaking tank used to process coffee for the Kona Coffee and Fruit Co (*Exhibit D*).

APPENDIX 7

Members of the Board of Land & Natural Resources

April 22, 2014

Page 2

Mr. Gregg's application cites the map of Kauhako Landing and Vicinity surveyed by J. S. Emerson (*Exhibit E*). The map depicts my property and Mr. Gregg's property surrounded by a bustling town and numerous residences. The map also shows the existence of a road that connects the town and the residences with the main mauka government road in 1883, well before the Highways Act of 1892.

In 1895, Registered Map 1745, a Plan of Ho'okena Section, clearly identifies that dwellings existed on numerous properties, including Mr. Gregg's property (*Exhibit F*). Mr. Gregg's application to amend the subzone designation of his property is to enable him to seek approval to construct a residence which is consistent with how the property was used 131 years ago.

I support Mr. Gregg's application and request for your favorable consideration.

Mahalo,

A handwritten signature in black ink, appearing to read 'Clarence A. Medeiros, Jr.', written in a cursive style.

Clarence A. Medeiros, Jr.

CAM:njm

Attachments

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 8

Gregg Application for Conservation Subzone Boundary Amendment

Testimony of Charles Young

Barbara Huitt

From: Kimberly.Mills@hawaii.gov
Sent: Wednesday, May 7, 2014 3:22 PM
To: Randy Vitousek
Subject: Fw: Testimony re TMK (3) 8-6-013:009
Attachments: Office of Conservation and Coastal Lands gregg.docx

Hi Randy,

Attached below is the only other comment we got regarding Mr. Gregg's petition.

We will probably go to the Board this summer in regards to this rule amendment.

~Tiger

Kimberly K. Tiger Mills, Staff Planner
State of Hawaii
Department of Land & Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809
www.dlnr.hawaii.gov/occl

CONFIDENTIALITY NOTICE: DO NOT share inappropriate or confidential information here as this information may be considered part of the public record.

----- Forwarded by Kimberly Mills/DLNR/StateHiUS on 05/07/2014 03:19 PM -----

From: "Chas" <youngc042@hawaii.rr.com>
To: <kimberly.mills@hawaii.gov>,
Date: 04/22/2014 10:37 PM
Subject: Testimony re TMK (3) 8-6-013:009

Aloha Mai e Tiger:

It was a pleasure to meet you this evening.

I have attached a copy of my oral testimony re the conservation boundary use amendment for Mr. Frederick W. Gregg, Jr.

If you have any questions or require further information please contact me.

Mahalo

Charles Young

Office of Conservation and Coastal Lands

Public Hearing

April 22, 2014 Hawai'i Civic Center

Applicant: Frederick W. Gregg, Jr.

TMK: (3) 8-6-013:009

Good evening and welcome to Kona. My name is Charles Young, I reside in Kealia S. Kona. Thank you for allowing me this opportunity to comment on the Conservation Subzone Boundary Amendment for the above TMK. I am here to support Mr. Gregg. I have met him on two occasions and find him to be sincere, honest and hard-working and I believe that he would be a good addition to our community.

After reading through the application prepared by Cades Schutte I have more admiration for Mr. Gregg's patience and sufferance through this process. Some in the community fear that this rezoning from Limited to General may be the precursor for an avalanche of rezoning and development at Ho'okena village and/or in our community. I don't believe that to be the case but I do have concerns as to what precedence this may set for future land use boundary amendments or rezoning at all regulatory levels. And for that, our community must remain vigilant, voice our concerns and deal with the facts of the matter particularly as they are represented in this application.

In the June 2013 application Mr. Gregg states that he has an "interest in building a single family residence" however the staff report dated August 2013 states that "The petition notes that reclassification to the General subzone would render the property eligible for an application to construct a single family residence. However at this time no improvements or secondary improvements are being proposed with this proposed subzone boundary amendment". I feel that staff could have conveyed the applicants "interests" for the record so the community and the Board are clear as to intention.

With respect to the Archaeological and Historical context. I believe that the statements in the application and recommendations from staff may imply that native Hawaiians have no interest and don't retain any present day connection to the area. Statements like, "**The majority of Ho'okena Native Hawaiian families had** abandoned the village to move closer to the mauka government road by that time". In the report from staff that changes to "The majority of **residents** abandoned the village to move closer to the mauka government road during that time also". I realize that this is being quoted from another source but it does give the impression that Hawaiians are no longer there and perhaps should not matter. Nothing could be further from the truth. There is no mention of the many Hawaiian fishing traditions that evolved in Hookena and no mention of the many canoe still housed there or that the S. Kona fisherman, the majority of whom are Hawaiian account for the largest opelu catch on Hawaii Island. Opelu and Opelu fishing is mentioned is some of the earliest pre-contact mo'olelo of Ho'okena. I don't know why this would not be an important consideration when reviewing a zoning change. Ho'okena village is a native Hawaiian fishing village.

I also feel that it is important that the record note that the County of Hawaii "appropriated" much of the land that is now Hookena Beach Park through eminent domain and condemnation. These lands rightfully belonged to the native Hawaiian families as recently as the 1970's. It is important that the record of native Hawaiian presence in the area is not characterized as "abandoned".

Lastly, the application notes that Friends of Ho'okena Beach Park (FOHBP) applied for the construction of a pavilion at Ho'okena Beach Park with Pa'a Pono of Miloli'i. After final consultation with the community the FOHBP are scaling down the footprint of the pavilion more in keeping with the villages' desires.

In summary, I support Mr. Gregg's application for a subzone boundary amendment and his intention to build a single family dwelling. Provided he respects the community's desire to perpetuate and to sustain its' culture and traditions I'm confident that Mr. Gregg will continue to receive my support.

Charles Young

PO Box 505

Honaunau, Hi. 96726

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 9

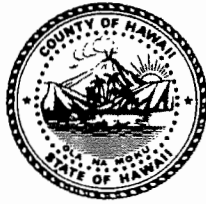
County of Hawaii Planning Director's January 28, 2018 [sic]

Determination of SMA Exemption

Harry Kim
Mayor

Wil Okabe
Managing Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

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

January 28, 2018

Mr. Roy A. Vitousek III Esq.
Cades Shutte LLP
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740

Dear Mr. Vitousek:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 19-001649)**

Applicant: Frederick W. Gregg Jr.

Land Owners: Frederick W. Gregg Jr.

**Request: Construction of Single-Family Dwelling and Related
Improvements**

Tax Map Key: (3) 8-6-013:009, Ho'okena Village, South Kona, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 18-0), which you submitted on December 27, 2018. The applicant proposes to construct a 5,417 square-foot single-family dwelling and related improvements on the subject property.

According to Real Property Tax Office records, the subject property consists of 18,681 square feet. The parcel is zoned Open (O) by the County and is designated Conservation by the State Land Use Commission. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open and Extensive Agriculture. The property is located entirely within the Special Management Area (SMA) and is not located adjacent to the shoreline.

Your application package includes a copy of your filing for a Conservation District Use Permit (CDUP) with the State Board of Land and Natural Resources for its decision. Since the parcel is located within the State Land Use Conservation District, the proposed project also triggers the review under Chapter 343 HRS relating to Environmental Impact Statements, also requested by Department of Land and Natural Resources (DLNR) letter dated December 28, 2018, that declined to exempt the proposed residence from the environmental review process.

Special Management Area Determination:

According to Chapter 205A-22, HRS, as amended, and Planning Commission Rule 9-4(e)(2)(A) relating to Special Management Area, the “*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*” may be determined exempt from the definition of “development.” Therefore, we have determined that the proposed construction of the 3,324 square-foot single-family dwelling and related improvements, as presented in SAA 18-00, is exempt from the definition of “development” and shall not require further review against the SMA guidelines.

However, please note that any increase in the proposed floor area may require another SMA Use Permit Assessment Application be submitted. In addition, any construction, enlargement or reconstruction of the single family residence that increases the floor area to greater than 7,500 square feet will require an SMA (Major) Use permit.

While further review of the single-family dwelling against the Special Management Area rules and regulations will not be required, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, this determination of exemption from the SMA definition of development is subject to compliance with the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations, including the DLNR Office of Conservation and Coastal Lands.
3. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
4. The Building Permit for the proposed single-family dwelling shall be issued within two (2) years from the date of this letter.
5. Construction of the single-family dwelling and related improvements shall be completed within two (2) years from the date of the issuance of the building permit.
6. The construction barrier must be shown and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, “the construction barrier must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works (or Planning Department).”
7. Due to the restricted buildable area and proposed location of the improvements, the applicant shall mark the location of the structures prior to the commencement of any construction, clearing, grading or other land altering activities. Once the location markers are in place, please contact Rosalind Newlon at (808) 323-4770 to confirm by photos or a site visit.

8. Artificial light from exterior lighting fixtures, including but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai‘i Revised Statutes.
9. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
10. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
 - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
13. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

Sincerely,



MICHAEL YEE
Planning Director

RJN:rjn

\\Coh33\Planning\Public\Wpwin60\CZM\SMMAA\2018\SAA 18-1624 Todd.Doc

cc: Mr. Frederick W. Gregg
76-211 Royal Poinciana Drive
Kailua-Kona, HI 96740-2239

PLANNING DIVISION
County of Hawaii
74-5044 Ane Keohokale Hwy.
Kailua-Kona, HI 96740

RECEIPT		DATE <u>12/27/18</u>	No. <u>901643</u>
RECEIVED FROM <u>Cades Schutte, LLP</u>		<u>\$ 50.00</u>	
<u>fifty and no/100</u>		DOLLARS	
<input type="radio"/> FOR RENT		<input checked="" type="radio"/> SMA use permit Assessment 8-6-13:009	
<input type="radio"/> FOR			
ACCOUNT		<input type="radio"/> CASH	FROM _____ TO _____ BY <u>d. grace</u>
PAYMENT		<input checked="" type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 10

12/28/2018 HRS 6E Submittal to State Historic Preservation Division

HAUN & ASSOCIATES

ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL RESOURCE MANAGEMENT SERVICES

PHONE: 808.325.2402 | FAX: 808.325.1520 | WEB: haunandassociates.com

73-4161 KAAO PLACE | KAILUA-KONA | HI 96740

November 9, 2018

Project 1520

Dr. Susan Lebo, Archaeology Branch Chief
State Historic Preservation Division
Department of Land and Natural Resources
601 Kamokila Boulevard, Suite 555
Kapolei, Hawai'i 96707

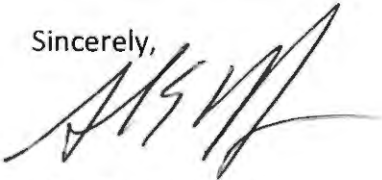
Subject: Draft Archaeological Inventory Survey, TMK(3) 8-6-013:009
Ho'okena Ahupua'a, South Kona District, Island of Hawai'i

Dear Dr. Lebo:

Enclosed is the subject draft archaeological site preservation plan for review. Also enclosed are a check for \$450.00 and a submittal sheet.

If you have any questions, or require additional information, please contact me at (808) 325-2402.

Sincerely,



Alan E. Haun, Ph.D.
Principal Investigator

Enclosures: Draft Report, Submittal Sheet, and \$450 check (No. 106869)

cc: Sam Lemmo, DLNR-OCCL
Rick Gregg
Randy Vitousek

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

HRS 6E Submittal Filing Fees

All submittals must have the appropriate filing fee in accordance with HAR §13-275-4 or HAR §13-284-4.
All contact fields below must be complete and accurate.

Landowner: _____
(if privately-owned historic property on Hawaii Register, HRS §6E-10)

Agency: DLNR-OCCL

Contact Name: Samuel J. Lemmo

Mailing Address: Kalanimoku Bldg., 1151 Punchbowl St., Room 131, Honolulu, HI 96813

Phone: 808-587-0381 Email: Sam.J.Lemmo@hawaii.gov

Title of Report/Plan: Archaeological Inventory Survey, TMK: (3) 8-6-013:009, Ho'okene Ahupua'a
South Kona Districts, Island of Hawai'i

Ahupua'a: Ho'okena District: South Kona Island: Hawaii

TMK(s): TMK (3) 8-6-0013:009

Contract Firm: Haun & Associates
(firm who completed the work on behalf of the agency)

Contact Name: Alan Haun

Phone: 808-325-2402 Email: ahaun@haunandassociates.com

- ____ Check if Report/Plan is a re-submittal (no fee)
- ____ Check if Field Inspection Report requested by SHPD (no fee)
- ____ Check if **Final Report** (no fee)
- ____ \$0 Archaeological Monitoring Report, no resources reported
- ____ \$25 Archaeological Monitoring Plan
- ____ \$25 Burial Disinterment Report
- ____ \$25 Request from Agency for Determination Letter per HAR §13-275
- ____ \$50 Archaeological Assessment (AIS with negative findings)
- ____ \$50 Osteological Analysis Report
- ____ \$100 Archaeological Monitoring Report, resources reported
- \$150 Archaeological Inventory Survey Plan, Archaeological Data Recovery Plan, or Preservation Plan
- ____ \$250 Burial Treatment Plan (BTP)
- ____ \$450 Archaeological, Architectural, or Ethnographic Survey Report
- ____ \$450 Archaeological Data Recovery Report
- \$450 Fee Total: Make check payable to "Hawaii Historic Preservation Special Fund"

For Office Use Only:

Date Received:	Payment Method:	
	Cash	Amount \$
Log No.:	Check No.	Amount \$
Receipt Issued:	Money Order	Amount \$

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Alan E. Haun DBA
Haun & Associates
73-4181 Kaao Place,
Kailua Kona, HI 96740-8476
(808) 325-2402

FIRST HAWAIIAN BANK
KAILUA KONA, HI 96740
59-101/1213

106869

11/9/2018

PAY TO THE ORDER OF Hawaii Historic Preservation Special Fund

\$ **450.00**

Four Hundred Fifty and 00/100*****

DOLLARS

PROTECTED AGAINST FRAUD

State Historic Preservation Div.
601 Kamokila Blvd., #555
Kapolei, HI 96707



[Handwritten Signature]

MEMO 1520 Review Fee

⑈ 106869⑈ ⑆ 121301015⑆ 90⑈034499⑈

© 2014 INTUIT INC. 1-800-433-8810

Transmittal Memorandum

TO: Dr. Susan Lebo, Archaeology Branch Chief
 State Historic Preservation Division
 Department of Land and Natural Resources
 601 Kamokila Blvd., Ste. 555
 Kapolei, HI 96707

FROM: Roy A. Vitousek III, Esq.

DATE: December 28, 2018

RE: Request to Agency for Determination Letter
 Property identified as TMK No. (3) 8-6-013:009 at Ho‘okena Village, South Kona
 Applicant/Landowner: Frederick W. Gregg, Jr.

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1			HRS 6E Submittal Form and Project Documentation: TMK Map; Draft AIS; Site Photographs; and Site Plan/Project Plans
1			HRS 6E Submittal Filing Fee Form
1			Our check No. 3218 in the amount of \$25.00 payable to the Hawaii Historic Preservation Special Fund

- | | |
|--|--|
| <input type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input checked="" type="checkbox"/> For your files | <input type="checkbox"/> For signature, forwarding,
as noted below & return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> For review & comment |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For distribution |
| <input checked="" type="checkbox"/> For necessary action | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> Are returned herewith | |

This follows up on the HRS 6E Submittal Form and project documentation submitted electronically on this date. Please advise if you have questions or require additional information.

cc: Samuel J. Lemmo, DLNR/OCCL (HRS 6E Submittal forms only)

State Historic Preservation Division
HRS 6E Submittal Form

Per §6E, Hawai‘i Revised Statutes, if the Project requires review by the State Historic Preservation Division (SHPD), please review and fill out this form and submit all requested information to SHPD. Please submit this form and project documentation **electronically** to:

dlnr.intake.shpd@hawaii.gov

If you are unable to submit electronically, please contact SHPD at (808) 692-8015. Mahalo.

The submission date of this form is:

1. APPLICANT (select one)

Property Owner Government Agency

2. AGENCY (select one)

Planning Department Department of Public Works Other (specify):

Type of Permit Applied For:

3. APPLICANT CONTACT

3.1) Name:

3.2) Title:

3.3) Street Address:

3.4) County:

3.5) State:

3.6) Zip Code:

3.7) Phone:

3.8) Email:

4. PROJECT DATA

4.1) Permit Number (if applicable):

4.2) TMK [e.g. (3) 1-2-003:004]:

4.3) Street Address:

4.4) County:

4.5) State:

4.6) Zip Code: 4.7)

Total Property Acreage:

4.8) Project Area (acreage, square feet):

4.9) List any previous SHPD correspondence (LOG Number & DOC Number, if applicable):

LOG NO.

DOC NO.

5. PROJECT INFORMATION

5.1) Does the Project involve a Historic Property? A Historic Property is any building, structure, object,

district, area, or site, including heiau and underwater site, **which is over 50 years old** (HRS §6E-2).

Yes No

5.2) The date(s) of construction for the historic property (building, structure, object, district, area, or site, including heiau and underwater site) is

5.3) Is the Property listed on the Hawai'i and or National Register of Historic Places? To check:
<http://dlnr.hawaii.gov/shpd/>

Yes No

5.4) Detailed Project Description and Scope of Work:

5.5) Description of **previous** ground disturbance (e.g. previous grading and grubbing):

5.6) Description of **proposed** ground disturbance (e.g. # of trenches, Length x Width x Depth):

5.7) The Agency shall ensure whether historic properties are present in the project area, and, if so, it shall ensure that these properties are properly identified and inventoried. Identify all known historic properties:

5.8) Once a historic property is identified, then an assessment of significance shall occur.

Integrity (check all that apply):

Location Design Setting Materials Workmanship Feeling Association

Criteria (check all that apply):

- a – associated with events that have made an important contribution to the broad patterns of our history
- b – associated with the lives of persons important in our past
- c – embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value
- d – have yielded, or is likely to yield, information important for research on prehistory or history
- e – have an important value to the Native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out or still carried out, at the property or due to associations with traditional beliefs, events, or oral accounts - - these associations being important to the group's history and cultural identity

5.9) The effects or impacts of a project on significant historic properties shall be determined by the agency.

Effect Determination (select one):

- No Historic Properties Affected
- Effect, with Agreed Upon Mitigation Commitments (§6E-42, HRS)
- Effect, with Proposed Mitigation Commitments (§6E-8, HRS)

5.10) This project is (check all that apply, if applicable):

- an activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency;
- carried out with Federal financial assistance; and or
- requiring a Federal permit, license or approval.

If any of these boxes are checked, then the Project may also be subject to compliance with Section 106 of the National Historic Preservation Act (NHPA).

6. PROJECT SUBMITTALS

6.1) Please submit a copy of the Tax Map Key (TMK) map

6.2) Please submit a copy of the property map showing the project area and indicate if the project area is smaller than the property area.

6.3) Please submit a permit set of drawings. A permit set is a set of drawings prepared and signed by a licensed architect or engineer and is at least 65% complete.

6.4) Are you submitting a survey?

Yes No

Specify Survey:

6.5) Did SHPD request the survey?

Yes No

If 'Yes', then please provide the date, SHPD LOG NO, and DOC NO:

Date: LOG NO. DOC NO.

6.6) **SURVEY REVIEW FEES.** Fee for Review of Reports and Plans (§§13-275-4 and 284-4). A filing fee will be charged for all reports and plans submitted to our office for review. Please go to:

<http://dlnr.hawaii.gov/shpd/about/branches/archaeology/filing-fee-schedule/>

A check payable to the Hawaii Historic Preservation Special Fund should accompany all reports or plans submitted.

6.7) Please submit color photos/images of the Historic Property (any building, structure, object, district, area, or site, including heiau and underwater site) that will be affected by the Project.

The following are the minimum number and type of color photographs required:

Quantity	Description
1-2	Street view(s) of the resource and surrounding area
1-2	Over view of exterior work area
1	exterior photo of the North elevation (if applicable)
1	exterior photo of the South elevation (if applicable)
1	exterior photo of the East elevation (if applicable)
1	exterior photo of the West elevation (if applicable)
1-2	interior photos(s) of areas affected (if applicable)

CHECKLIST

- SHPD FORM 6E** (this form)
- PROJECT SUBMITTALS** (any requested documentation for items 6.1 - 6.7 of this form)
- FILING FEE FORM** (if applicable)

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

HRS 6E Submittal Filing Fees

All submittals must have the appropriate filing fee in accordance with HAR §13-275-4 or HAR §13-284-4.
All contact fields below must be complete and accurate.

Landowner: _____
(if privately-owned historic property on Hawaii Register, HRS §6E-10)

Agency: _____

Contact Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Title of Report/Plan: _____

Ahupua'a: _____ District: _____ Island: _____

TMK(s): _____

Contract Firm: _____
(firm who completed the work on behalf of the agency)

Contact Name: _____

Phone: _____ Email: _____

- _____ Check if Report/Plan is a re-submittal (no fee)
- _____ Check if Field Inspection Report requested by SHPD (no fee)
- _____ Check if **Final Report** (no fee)

- _____ \$0 Archaeological Monitoring Report, no resources reported
- _____ \$25 Archaeological Monitoring Plan
- _____ \$25 Burial Disinterment Report
- _____ \$25 Request from Agency for Determination Letter per HAR §13-275
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- _____ \$250 Burial Treatment Plan (BTP)
- _____ \$450 Archaeological, Architectural, or Ethnographic Survey Report
- _____ \$450 Archaeological Data Recovery Report
- _____ Fee Total: Make check payable to "Hawaii Historic Preservation Special Fund"

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Date Received:	Payment Method:	
	Cash	Amount \$
Log No.:	Check No.	Amount \$
Receipt Issued:	Money Order	Amount \$



Photo 1



Photo 2

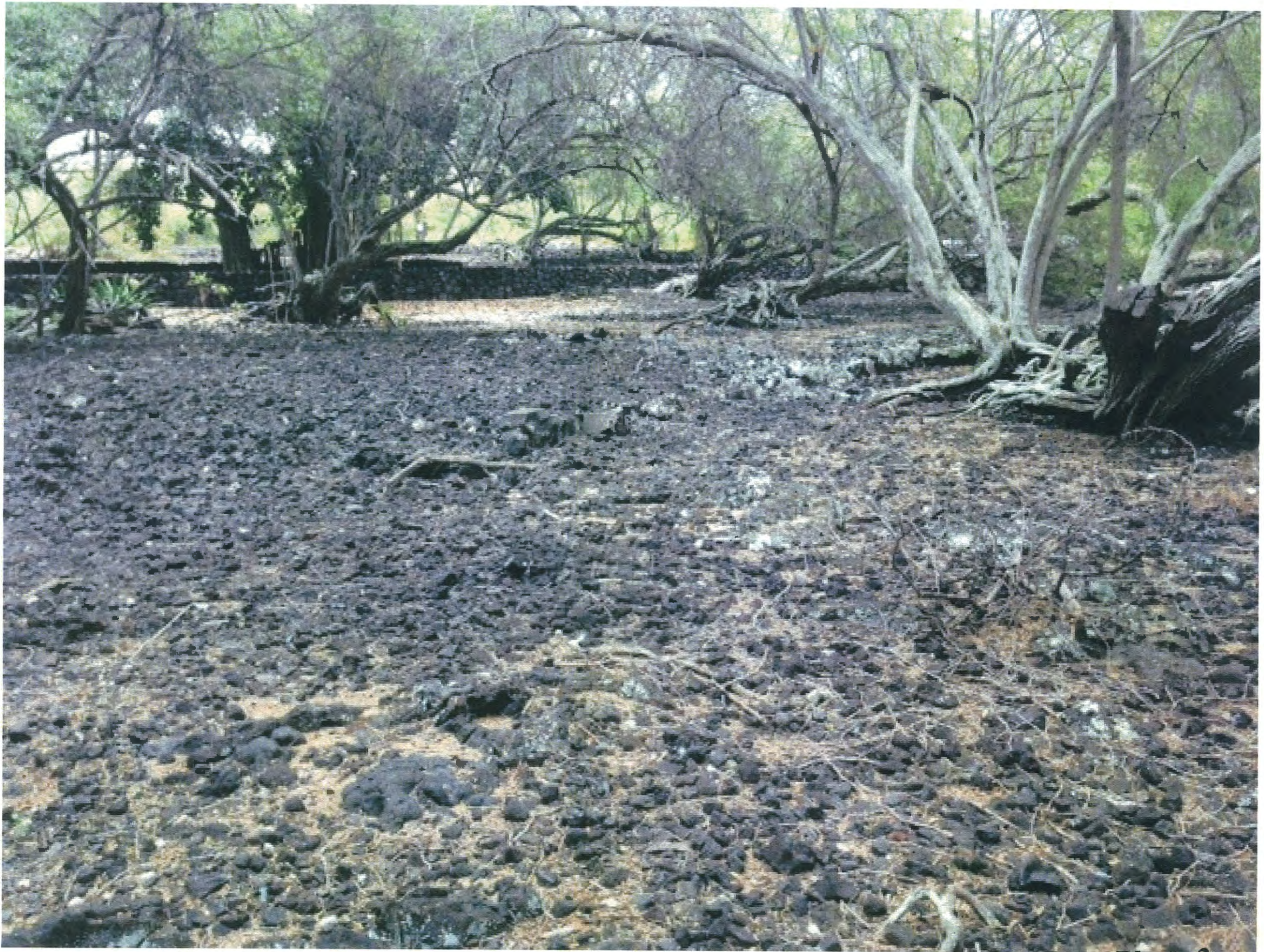


Photo 3



Photo 4



Photo 5



Photo 6

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 11

Site Photographs





PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 12

Flood Hazard Assessment Report



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HAWAII
 TMK NO: (3) 8-6-013:009
 WATERSHED: KIILAE
 PARCEL ADDRESS: UNKNOWN ADDRESS
 CAPTAIN COOK, HI 96704

Notes:

Flood Hazard Information

FIRM INDEX DATE: SEPTEMBER 29, 2017
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1551661244F
 PANEL EFFECTIVE DATE: SEPTEMBER 29, 2017

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
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ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 13

Individual Wastewater System Plans

INDIVIDUAL WASTEWATER SYSTEM
APPLICATION INFORMATION SHEET

Engineer: Peter J.K. Dahlberg,(PE-11345 C) (808) 895-6173
pdahlberg@hawaii.rr.com

Owner: FREDERICK W. GREGG JR

Owner's Mailing Address: 76-211 Royal Poinciana Dr.
Kailua-Kona, HI. 96740

Project Location: Hookena Village, South Kona
(Street address, Subdivision Name, and General Area)

Project TMK: (3) - 8 - 6 - 013 : 009

Lot Size: 18,681 sq ft

Projected Flow or Number of Bedrooms: 1 (see pg 4)

Proposed Treatment Unit: CHEM-TAINER 1000 GAL. TANK (see pg 10)

Proposed Disposal System: ABSORPTION BED (see pg 7,8)

Design Percolation Rate: ONE MIN. PER INCH (see pg 3)

Existing IWS on the lot: NO Type: NA

Existing structure on lot: NO Type: _

Existing potable drinking well within 1,000 ft. Of the proposed disposal system? NO

Would the construction and/or discharges from the proposed IWS affect any public trust or Native Hawaiian resources or the exercise of traditional cultural practices in the vicinity? NO

If yes, indicate what feasible action can be taken to protect those resources or exercise of practices: N/A

FOR DEPARTMENT USE ONLY:

Date Received: _____ Project Engineer: _____ File No. _____

Notes: _____

Revised 3/11/14

DESIGN CRITERIA

Individual Wastewater System (IWS) Septic

1. LOCATION: Hookena Village
GREGG JR Residence
TMK (3) - 8 - 6 - 013 : 009
1 Bedrooms

2. PROJECTED FLOW

No. of Bedrooms (BDR) 1

Allow for Expansion 1

Total Daily Flow: 2 x 200 = 400 GPD
(BDR) * 200(gallons per day per BDR)
(see HAR 11-62 App D. Table I)

3. SEPTIC TANK (See pg 10)

INSTALL: 1000 Gallon CHEM-TAINER Septic Tank

4. DISPOSAL SYSTEM (See pg 7, 8)

- Percolation Rate:		1 min. / inch
- Required Absorption Area	per BDR	= 70 ft ²
- Required Absorption Area	2 x 70	= 140 ft ²
- Absorption Area Provided	12' x 12'	= 144 ft ²

INSTALL: 12' x 12' bed (144 sq. ft.) with 3 feet of suitable soil replacement.

INSTALLATION NOTES

-IWS shall not be constructed during rainy periods.

-Contractor shall provide photographs to the engineer showing progress of IWS installation and pictures of the installed IWS prior to final backfill.

-No heavy equipment is allowed in bed excavation.

PETER J.K. DAHLBERG, P.E. <small>PDAHLBERG@HAWAII.RR.COM PHONE (808)895-6173</small>	DESIGN CRITERIA GREGG JR	1
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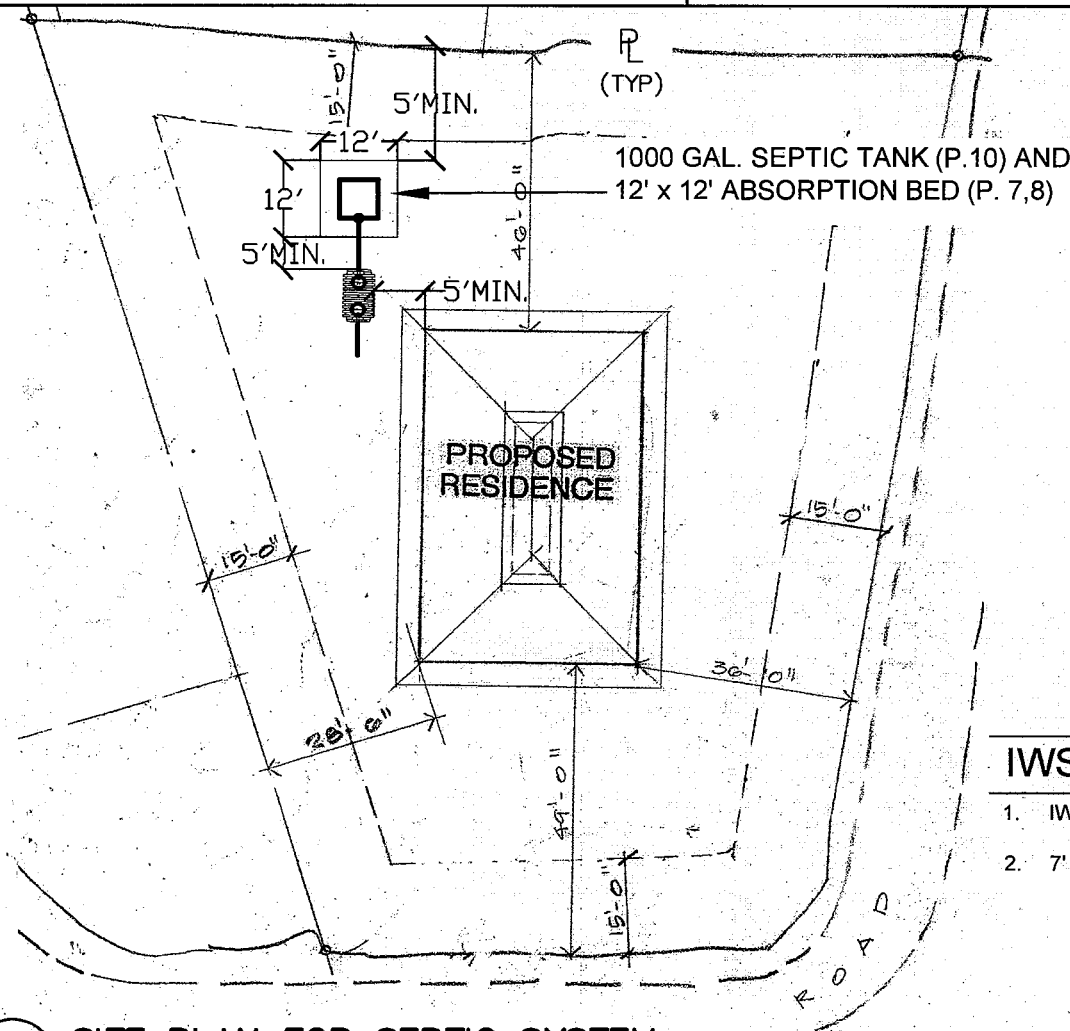
PROJECT INFORMATION:

OWNER: Frederick W. Gregg Jr.
 LOCATION: Hookena Village
 TMK:(3) - 8 - 6 - 013 : 009
 LOT SIZE: 0.429 acre
 BEDROOMS: 1 (IWS sized to 2 - see notes)

LOCATION NOTES:

NOTE: MINIMUM SEPARATION DISTANCES FOR SEPTIC TANK / ABSORPTION SYSTEM FROM:
 ABSORPTION SYSTEM / SEPTIC TANK - 5'
 PROPERTY LINE - 5'
 BUILDING LINE - 5'
 STREAM OR POND - 50'
 LARGE TREES - 10'

(REF. HAR 11-62 APP. F;T1)



IWS SIZE NOTES:

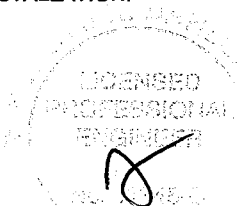
1. IWS SIZED AS SHOWN FOR 2 BDR.
2. 7' x 10' BED OK FOR 1 BDR ONLY.

2.1 SITE PLAN FOR SEPTIC SYSTEM
 SCALE: 1" = 30'

CONSTRUCTION NOTES:

1. SEPTIC SYSTEM WORK BY ONLY THE FOLLOWING LICENSED CONTRACTORS: TYPE "A" GENERAL ENGINEERING; C-9 CESSPOOL; C-37 PLUMBING; C-37A SEWER AND DRAINLINE; OR C-43 SEWER, SEWER DISPOSAL, DRAIN AND PIPE LAYING.
2. CONSTRUCTION OF THE SYSTEM SHALL START ONLY AFTER THE COUNTY BUILDING PERMIT IS REVIEWED AND APPROVED BY THE DEPARTMENT OF HEALTH (DOH). NO DEVIATIONS FROM DOH APPROVED PLANS UNLESS APPROVED BY DOH.
3. NEW WASTELINE TO BE 4" ABS OR PVC SCH. 40 DWV UNDER 12" MIN. COVER. SLOPE AT 2% TO SEPTIC TANK AND FROM SEPTIC TANK TO ABSORPTION BED. ALL WORK SHALL CONFORM TO THE STATE OF HAWAII ADMINISTRATIVE RULES TITLE 11 CHAPTER 62 AND THE GOVERNING LOCAL OR UNIFORM PLUMBING CODE AS AMENDED BY THE COUNTY OF HAWAII.
4. PROPERTY LINE AND BUILDING LOCATIONS SHOWN HAVE BEEN PROVIDED BY MOST ACCURATE INFORMATION AVAILABLE WHICH WAS NOT VERIFIED BY ENGINEER OR SURVEY. CONTRACTOR TO VERIFY PROPERTY LINES, REQUIRED SETBACKS AND PROVIDE AS-BUILT SURVEY IF NECESSARY FOLLOWING SEPTIC SYSTEM INSTALLATION.

THIS WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION AND
 CONSTRUCTION OF THIS PROJECT 20 FEB. 2018
 WILL BE UNDER MY OBSERVATION DESIGN DATE
 PETER J.K. DAHLBERG, (PE-11345 C; exp. 4/30/2018)
 P: (808) 895-6173 F: (808) 331-0449 E: pdahlberg@hawaii.rr.com



IWS DESIGN PAGE
2
 SITE PLAN FOR SEPTIC SYSTEM

SITE EVALUATION/PERCOLATION TEST

DATE/TIME:

TEST PERFORMED BY: Peter J.K Dahlberg, P.E. - 11345

OWNER: FREDERICK W. GREGG JR

TAX MAP KEY: (3) - 8 - 6 - 013 : 009

ELEVATION: ~30' FT.

DEPTH TO GROUNDWATER TABLE: N/O > 60 INCHES BELOW GRADE

DEPTH TO BEDROCK (if observed): 0.5 FT. BELOW GRADE

DIAMETER OF HOLE: SIX (6) INCHES

DEPTH TO HOLE BOTTOM: FIVE (5) FT. BELOW GRADE

DEPTH, INCHES BELOW GRADE	SOIL PROFILE (color, texture, other)
0 - 6"	Cobbles
6" - 60"	Bedrock

PERCOLATION READINGS

TIME 12 in. OF WATER TO SEEP AWAY: 10 Min.

TIME 12 in. OF WATER TO SEEP AWAY: 10 Min.

CHECK ONE:

X Percolation tests in sandy soils, recorded time intervals and water drops at least every 10 minutes for at least 1 hour.

Percolation test in non-sandy soils, presoaked the test hole for at least 4 hours. Recorded time intervals and water drops at least every 10 minutes for 1 hour or if the time for the first 6 inches to seep away is greater than 30 minutes record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

TIME INTERVAL	DROP IN INCHES	TIME INTERVAL	DROP IN INCHES
10 min.	>18	10 min.	>18
10 min.	>18	10 min.	>18
10 min.	>18	10 min.	>18
10 min.	>18	10 min.	>18
10 min.	>18	10 min.	>18
10 min.	>18	10 min.	>18

PERCOLATION RATE (time/final water level drop): 1 Min/in

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11-62, "Wastewater Systems" and the results were acceptable. I also attest that three feet of suitable soil exist between the bottom of the soil absorption system and the groundwater table or any other limiting layer.

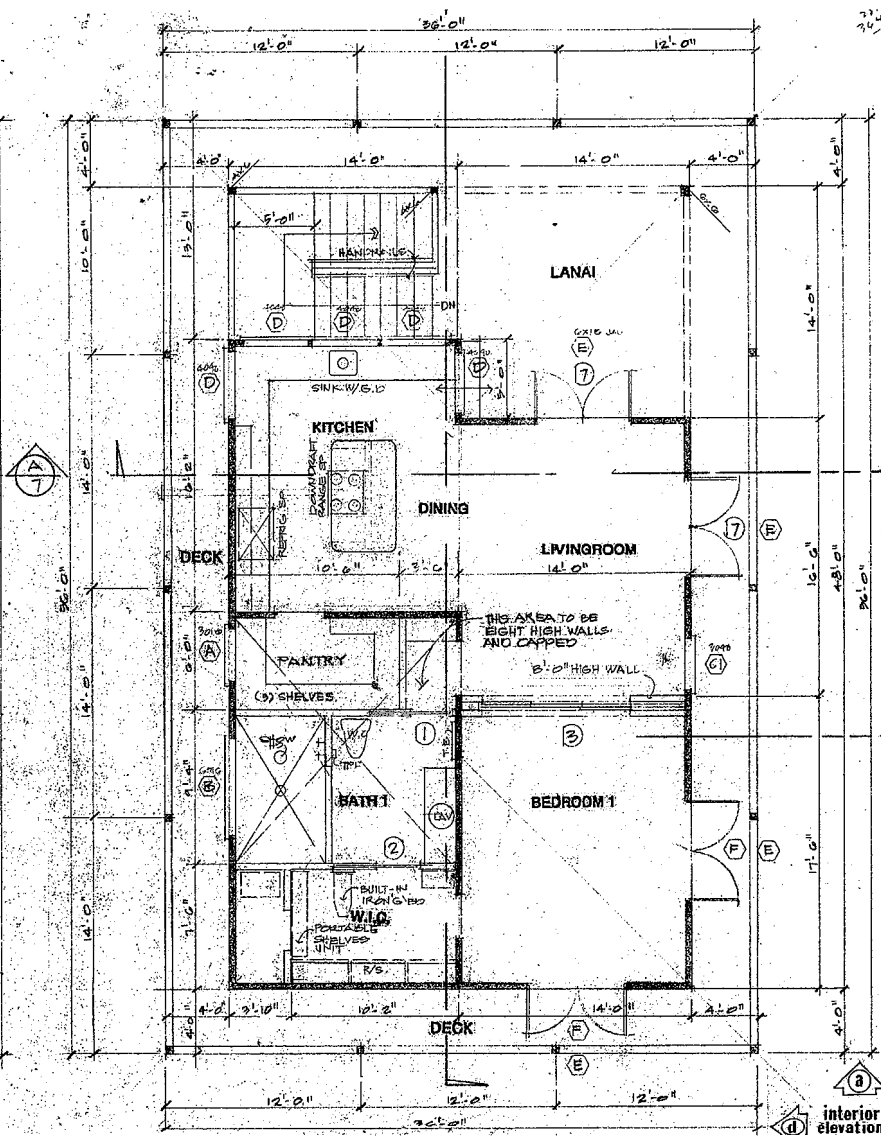
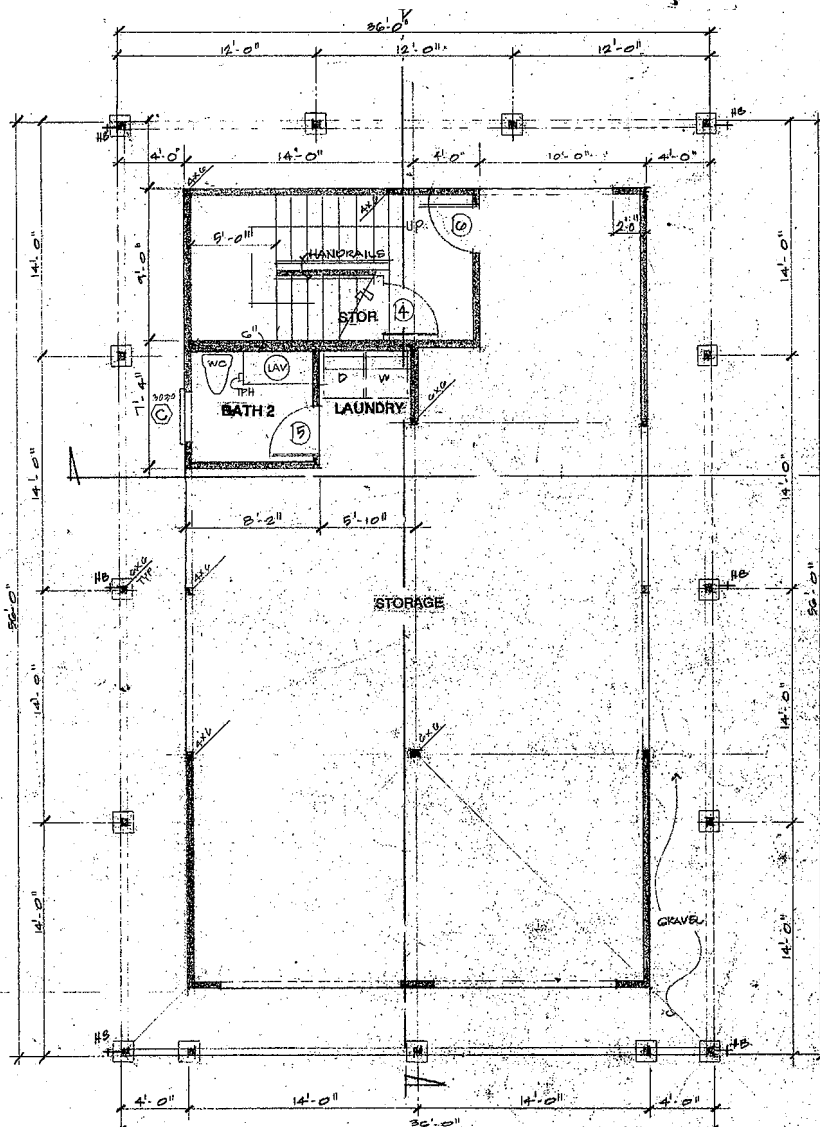
PETER J.K. DAHLBERG, P.E.

PDAHLBERG@HAWAII.RR.COM
PHONE (808)895-6173



Engineer's Signature/ Stamp

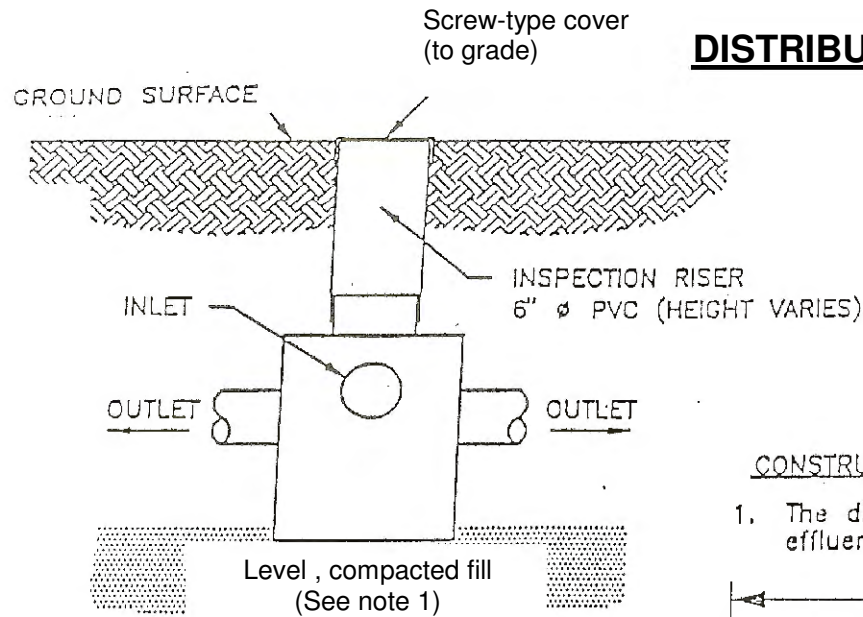
3



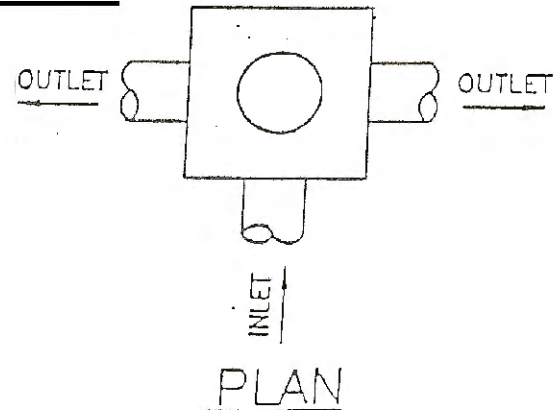
PETER J.K. DAHLBERG, P.E.
 PDAHLBERG@HAWAII.RR.COM
 (808) 895-6173

FLOOR PLAN
GREGG
 (3) - 8 - 6 - 013 : 009

4



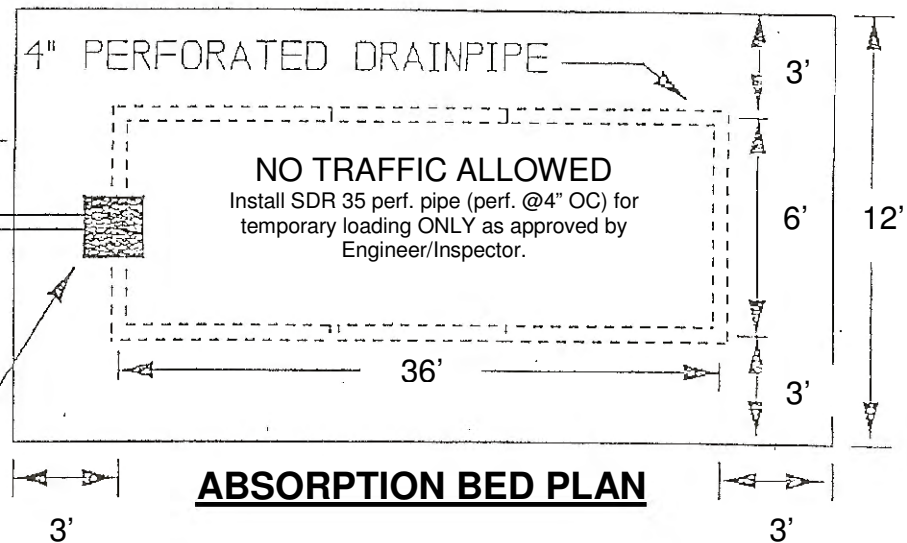
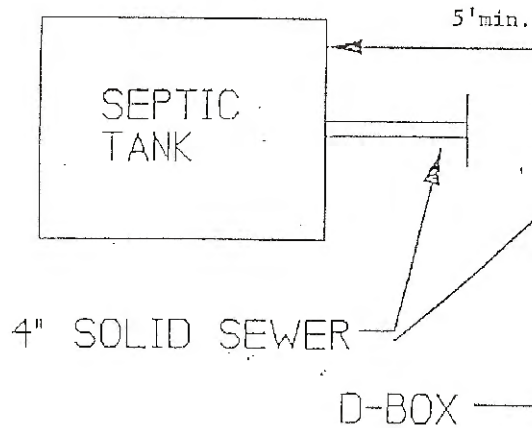
DISTRIBUTION BOX DETAIL



CONSTRUCTION NOTE

1. The distribution box shall be set level and arranged so that effluent is evenly distributed to each distribution line.

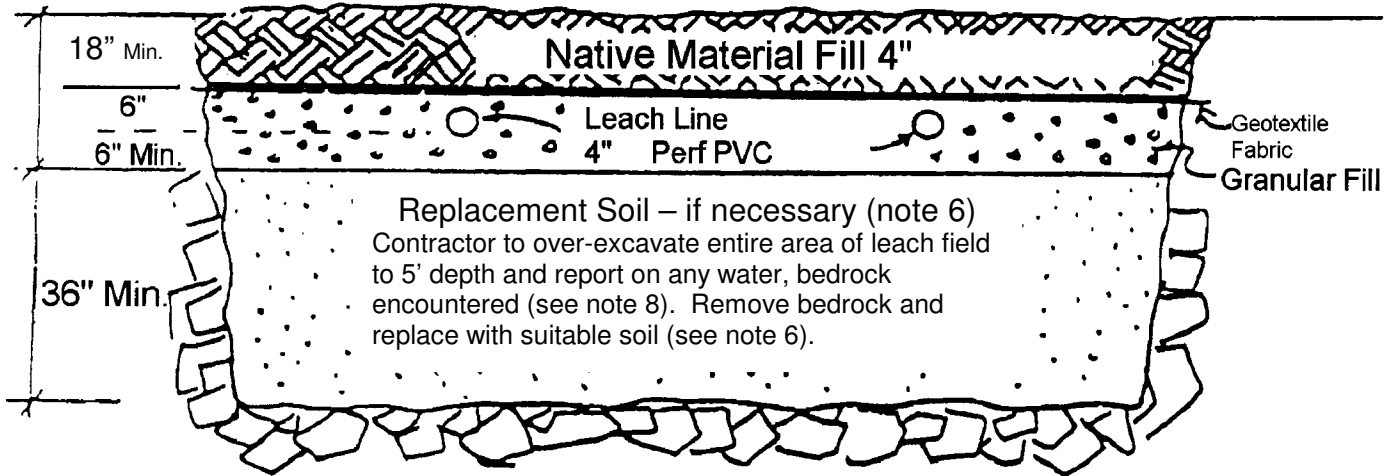
ELEVATION



PETER J.K. DAHLBERG, P.E.
PDAHLBERG@HAWAII.RR.COM
 (808) 895-6173

**ABSORPTION BED PLAN
 DISTRIBUTION BOX DETAIL
 12' x 42' (TYPICAL)**
 NOTE: D-BOX AT CENTER OF HEADER (AS SHOWN)
 NO MODIFICATIONS UNLESS APPROVED BY DOH

7



CONSTRUCTION NOTES

1. Two leach lines minimum. Maximum length each line 100'.
2. Spacing between leach lines shall be 6' on center, minimum 4'. Each line shall be at least 1.5', but no greater than 3' from absorption bed sides/walls.
3. The floor of the absorption bed and leach lines shall be level.
4. Leach line pipe to be 4" dia. PVC Perforated Pipe (shall meet the appropriate ASTM standard or those of an equivalent laboratory). **Finish grade shall be a minimum of 18" above leach pipes.** No vehicular or heavy traffic is allowed over bed and leach lines.
5. Granular material shall be gravel or crushed stone (drain rock) washed and range from ¾"-2.5" in size. Provide Geotextile Fabric (4 oz. MIRAFL or approved equivalent) cover over drain rock.
6. Absorption Bed – Replacement Soil:
 - a) 3/8-inch minus cinder material from an approved source with a percolation rate of no more than one minute per inch. Material to be compacted to between 80% - 90% compaction, or
 - b) 3/8-inch minus cinder-soil mixture from an approved source with a percolation rate of no more than one minute per inch. Material to be compacted to between 80% and 90% compaction.
7. Rock in native fill material shall not exceed 4 inches (remove boulders). **Contractor to provide to engineer invoice copies of soil replacement used, showing quantities.**
8. **The bottom of the absorption bed to the seasonal high groundwater level, bedrock, or other limiting layer shall be greater than 3'.** The depths to the pipe inverts of the septic tank, distribution box, and absorption system are controlled by topographic features and the invert of the building sewer, all of which may affect the depths shown on the drawings.
9. Where not otherwise specified, the construction of the absorption bed shall conform to Title 11, Chapter 62, Subchapter 3 Individual Wastewater Systems, Section 11-62-34, Administrative Rules, State of Hawaii, Department of Health. **Contractor to provide Engineer with photos of construction showing all stages of system progress and implementation.** Contractor and/or Owner to inform Engineer of any deviations made to stated Construction Notes and above detail.

PETER J.K. DAHLBERG, P.E.

PDAHLBERG@HAWAII.RR.COM

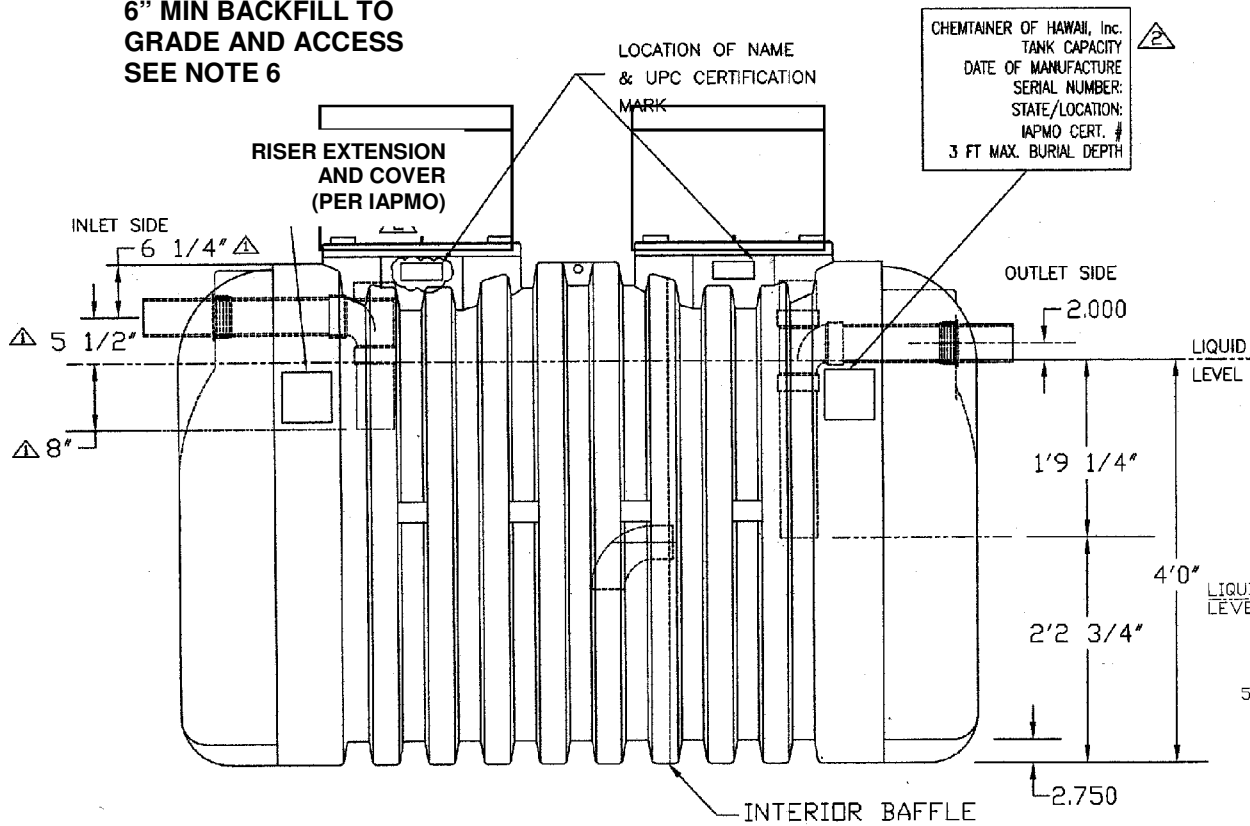
(808) 895-6173

ABSORPTION BED
DETAIL

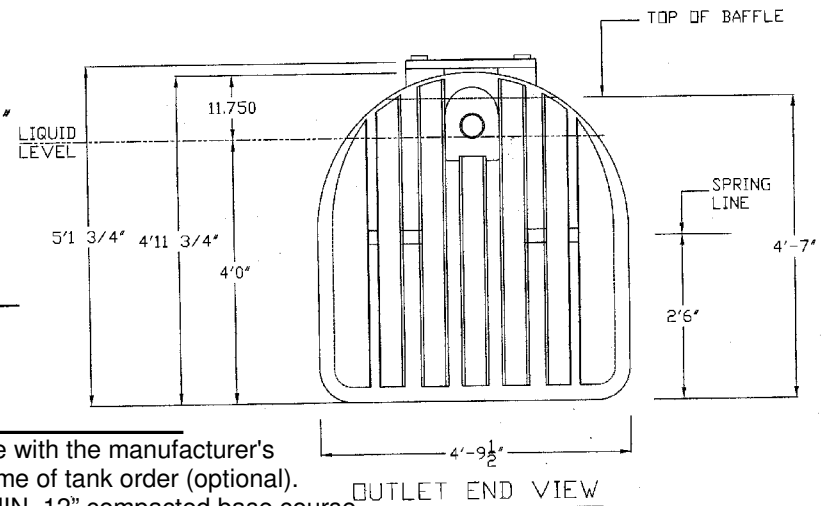
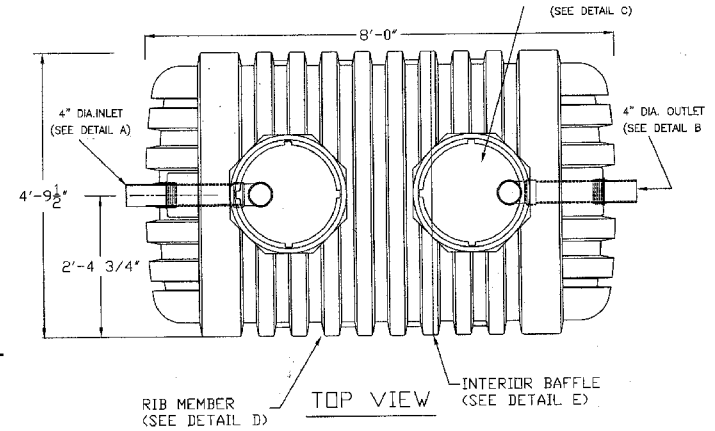
NO SCALE (R 10/31/2014)

8

6" MIN BACKFILL TO GRADE AND ACCESS SEE NOTE 6



CHEMTAINER OF HAWAII, Inc.
 TANK CAPACITY
 DATE OF MANUFACTURE
 SERIAL NUMBER:
 STATE/LOCATION:
 IAPMO CERT. #
 3 FT MAX. BURIAL DEPTH



GENERAL NOTES:

- 1,000 Gallon Hi-Density Polyethylene Septic Tank (TC 1000 ST). To be installed in accordance with the manufacturer's instructions and the latest edition of the Uniform Plumbing Code. Request effluent filter upon time of tank order (optional).
- Excavate to a depth to provide MIN 6" cover; MAX 30" cover. Side cover MIN 12"; MAX 24". MIN. 12" compacted base course pad. Backfill material shall be sand/gravel mixture 100% smaller than 1-1/2", and approximately 50% smaller than 1/4". All fill shall be free of wood, masonry debris, silt or clay.
- Fill tank with water before backfilling against the tank. Backfill in lifts not exceeding one-foot and compact each layer. ALWAYS COMPACT ENDS FIRST.
- Septic tank shall NOT be located in vehicular or other traffic area.
- The depths to the pipe inverts of the septic tank, distribution box, and absorption system are controlled by topographic features and the invert of the building sewer and may impact the depths shown on the drawing.
- Provide manhole risers and covers to grade for each compartment of tank. If tank covers are to be in yard light traffic area, cover shall be buried (12" min) and covered with metal tape (3M lead foil tape 421, or approved equivalent) applied in an "X" pattern for future location using metal detection equipment. **DO NOT DRILL INSPECTION PORTS THRU COVER (VOIDS IAPMO).**

IAPMO CERTIFICATION
 File No. 5087 (annual)
 Installation Contractor to verify
 IAPMO cert.

CHEM-TAINER of Hawaii
 (808) 966-5454
www.chemtainerofhawaii.com

PETER J.K. DAHLBERG, P.E.

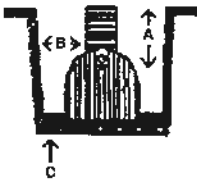
PDAHLBERG@HAWAII.RR.COM
 PHONE (808)965-6173

CHEM-TAINER of HAWAII
1000 SEPTIC TANK
DETAILS/INSTALLATION INSTRUCTIONS
 IAPMO ANNUAL SPEC REVISIONS

10

UNDERGROUND TANK INSTALLATION INSTRUCTIONS

1 EXCAVATION

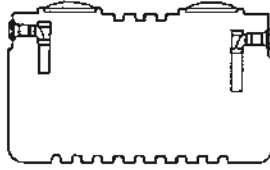


A. Excavate to a depth that will provide a minimum of 6" and a maximum of 30" of cover over the top of the tank. This will avoid collapse and over-expansion of the tank and possible leakage.

B. Allow 18" to 24" on both sides and both ends of the tank. Failure to comply with allowance ranges could cause tank collapse.

C. Bed the tank in well-compacted sand- 6" minimum in soil terrain, 12" minimum in rock terrain. The tank should be installed level.

2 SEPTIC AND BRUISER TANK INLET/OUTLET CONNECTIONS

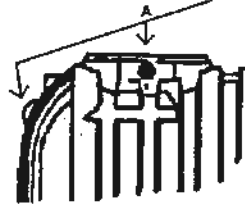


A. Septic tanks and blue BRUISER tanks are supplied with PVC sanitary tees and adapters at the inlet and outlet.

B. The PVC adapter has two sockets for use with either 4" Schedule 40 pipe, or 4" SDR 35 pipe.

C. Inlet and outlet piping should be solvent welded to the adapters using standard PVC cement.

3 WATER TANK CONNECTIONS




A. Install bulkhead fittings in either side of manway or end rib as shown.

B. Tank must be vented.

C. For water-tight seal, lid should be sealed with silicone caulking. Re-use stainless steel screws supplied with lid.

4 MANHOLE EXTENSIONS




A. Install manhole extension before you backfill.

B. Manhole extensions are supplied with gaskets and screws. Re-use the lid gasket and screws to attach the lid at the top of the manhole extension.

C. Note the direction of flow. The inlet is higher than the outlet.

5 BACKFILLING EXTERIOR



A. CAUTION: Fill tank with water as you backfill, keeping water level even with backfill level as you go to prevent possible collapse.

B. Backfill with 12" layers and compact each layer. ALWAYS COMPACT ENDS FIRST.

C. Tamp and compact backfill under inlet and outlet pipes.

D. Maximum backfill over the top of the tank is 30". Mound soil over the top to provide positive drainage.

6 BACKFILL MATERIALS

The preferred material for backfill surrounding and covering the tank is a sand/gravel mixture as described below. For blue BRUISER tanks and white cistern tanks, native soil may be used for backfill and those tanks may be left empty while backfilling. For yellow and black septic tanks, the sand/gravel mixture is required and the tanks must be filled with water during the backfilling process.

A. The sand/gravel mixture should be a mixture of sand and gravel, 100% smaller than 1-1/2" and approximately 50% smaller than 1/4".

B. All fill should be free of any wood, masonry debris, silt or clay.

FOR SEPTIC INSTALLATIONS, IT IS IMPORTANT TO CONTACT YOUR LOCAL OR STATE SANITARIAN REGARDING APPROVED INSTALLATION PROCEDURES.

CAUTION

FAILURE TO COMPLY WITH THE POINTS BELOW VOIDS WARRANTY

- A. Do not install any tank in water saturated clay or in a high water table. Tank may collapse and its contents will escape.
- B. Tanks are not fire-resistant. Do not store them near an open flame or heat in excess of 180°F.
- C. Do not install any tank under the path of vehicles or heavy equipment.
- D. If a yellow or black septic tank is pumped for normal maintenance, it should be refilled immediately. Blue BRUISER tanks and white cistern tanks should remain at least one-fourth full at all times. Spherical 300 and 500 gallon tanks may be left empty.
- E. Chemtainer septic, BRUISER and cistern tanks are designed only for use as underground tanks.
- F. Chemtainer yellow or black septic tanks, with the exception of 300 and 500 gallon spherical tanks, can not be used as holding tanks or pump tanks because the tank may collapse if it is left empty underground. **Blue BRUISER tanks, white cistern tanks, and 300 or 500-gallon spherical tanks can be used for holding or pumping applications where permitted by local codes.**
- G. White cistern tanks and blue BRUISER tanks are made of resins that meet FDA specifications for the storage of drinking water and can be used for that application. Yellow septic tanks and black septic tanks must not be used for drinking water.
- H. Protect the tank from sharp objects which could puncture it and cause leakage.

Chemtainer advises against the use of a plastic underground tank for any other uses! Such uses would void any Chemtainer product warranty either stated or implied. In no event shall Chemtainer be held liable for any consequential damages.

WARRANTY

Chemtainer underground tanks, when installed in accordance to manufacturer's instructions, are warranted against defective materials and/or workmanship for a full three (3) years from date of manufacture. Should a defect appear within the warranty period, Chemtainer will supply a new, equivalent tank in replacement thereof. Chemtainer liability is limited to the value of the tank itself and specifically excludes the cost of installation and/or removal and consequential damages.



**DEPARTMENT OF HEALTH - WASTEWATER BRANCH
INDIVIDUAL WASTEWATER SYSTEM (IWS)
OWNER'S CERTIFICATION FORM**

Subject: Individual Wastewater System for Frederick W. Gregg Jr.

Tax Map Key (TMK) Number: (3) 8 - 6 - 013 : 009

Mailing Address: 76-211 Royal Poinciana Dr.
Kailua-Kona, HI 96740

I, Frederick W. Gregg Jr., hereby certify that I am the owner (s) of the
(please print name)
subject property and that I have read the following and shall comply with all provisions. Failure to comply with any or all of the provisions can lead to imposition of the penalties and remedies as provided for in Administrative Rule, Title 11, Chapter 62, Section 11-62-72, Penalties and remedies.

1. I certify that as the owner of the Individual Wastewater System (IWS) serving the subject property, the IWS will be inspected, operated and maintained in accordance with the operation and maintenance manual developed by my IWS design engineer section (section 11-62-31.1(e)(2)).

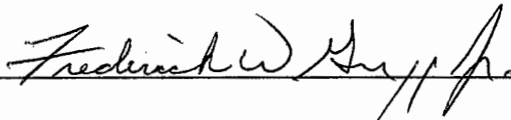
Furthermore, if an aerobic unit is utilized for wastewater treatment, an active service contract for the proper operation and maintenance shall be maintained at all times (section 11-62-33.1.(b)(3)).

2. I understand and shall comply with the provision of section 11-62-08 (g) which requires that the IWS be constructed by a licensed contractor with a license type of: **A, C-9, C-37, C-37a or C-43.**
3. I understand and shall comply with the provisions of section 11-62-31.(f) which states that the IWS must be inspected and approved of by the Department prior to use.

Furthermore, I shall instruct and require my contractor to leave uncovered for inspection, various parts of the IWS system. These parts include manhole/access openings, distribution boxes, ends of trenches to visually see gravel, pipe and geotextile fabrics used and/or seepage pit openings. I understand that I will be required to re-expose these areas if at the time of inspection they are not visible.

4. I understand and shall comply with the provisions of section 11-62-31.1.(e)(2) which required me to certify upon sale or transfer of the subject property, that the appropriate transfer or sales documents and provisions shall bind the new owners to the operation and maintenance provisions referenced in item 1 above.
5. I understand and shall submit any and all changes made to my IWS plans to the Department (section 11-62-08(b)) for review and approval. Changes to the approved IWS plans that need to be submitted to the Department include but are not limited to the following - changes in location of any component of the wastewater system, changes in the type of products used, changes in the disposal system methods, changes in the dwellings/buildings location or size and changes in the design engineer for the IWS.

Signed: _____



Dated: _____

1/31/2018

ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 14

**Photographs Representative of Battery Storage for Proposed Photovoltaic
System**





**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 15

**August 22, 2014, Amendment to Chapter 13-5 Hawaii Administrative Rules
(Subzone Amendment from Limited to General for the Property)**

DEPARTMENT OF LAND AND NATURAL RESOURCES

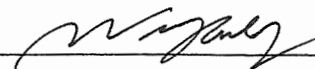
Amendment to Chapter 13-5
Hawaii Administrative Rules

August 22, 2014

SUMMARY

1. §13-5-10(a) is amended.
2. Exhibit 1 to Chapter 13-5, entitled "Subzone Designations: August 12, 2011", is amended.

This is to certify that this
is a true and correct copy of
the document on file in the office
of the State Department of Land and
Natural Resources, Honolulu, Hawaii



APPENDIX 15

Exhibit 1
Subzone Designations: August 22, 2014

- (1) "H-1, Makalawena," Hawaii, June 4, 1978
- (2) "H-2, Keahole Point," Hawaii, August 23, 1985
- (3) "H-3, Mahukona," Hawaii, August 23, 1985
- (4) "H-4, Keawanui Bay," Hawaii, June 4, 1978
- (5) "H-5, Anaehoomalu," Hawaii, June 4, 1978
- (6) "H-6, Kiholo," Hawaii, August 23, 1985
- (7) "H-7, Kailua," Hawaii, August 12, 2011
- (8) "H-8, Kealakekua," Hawaii, June 4, 1978
- (9) "H-9, Honaunau," Hawai'i, August 22, 2014
- (10) "H-10, Kauluoa Point," Hawaii, June 4, 1978
- (11) "H-11, Milolii," Hawaii, August 23, 1985
- (12) "H-12, Manuka Bay," Hawaii, June 4, 1978
- (13) "H-13, Hawi," Hawaii, June 4, 1978
- (14) "H-14, Kawaihae," Hawaii, June 4, 1978
- (15) "H-15, Puu Hinai," Hawaii, June 4, 1978
- (16) "H-16, Puu Anahulu," Hawaii, June 4, 1978
- (17) "H-17, Hualalai," Hawaii, June 4, 1978
- (18) "H-18, Puu Lehua," Hawaii, June 4, 1978
- (19) "H-19, Kaunene," Hawaii, June 4, 1978
- (20) "H-20, Puu Pohakuloa," Hawaii, August 12, 2011
- (21) "H-21, Papa," Hawaii, August 12, 2011
- (22) "H-22, Pohue Bay," Hawaii, August 23, 1985
- (23) "H-23, Puu Hou," Hawaii, June 4, 1978
- (24) "H-24, Honokane," Hawaii, June 4, 1978
- (25) "H-25, Kamuela," Hawaii, June 4, 1978
- (26) "H-26, Nohoaoahae," Hawaii, June 4, 1978
- (27) "H-27, Keamuku," Hawaii, June 4, 1978
- (28) "H-28, Naohueleehua," Hawaii, August 23, 1985
- (29) "H-29, Puu O Uo," Hawaii, August 23, 1985
- (30) "H-30, Sulphur Cone," Hawaii, August 23, 1985
- (31) "H-31, Alike Cone," Hawaii, June 4, 1978
- (32) "H-32, Puu o Keokeo," Hawaii, June 4, 1978
- (33) "H-33, Kahuku Ranch," Hawaii, June 4, 1978
- (34) "H-34, Ka Lae," Hawaii, June 4, 1978

Chapter 13-5
Exhibit 1

- (35) "H-35, Kukuihaele," Hawaii, June 4, 1978
- (36) "H-36, Makahalau," Hawaii, June 4, 1978
- (37) "H-37, Ahumoa," Hawaii, June 4, 1978
- (38) "H-38, Puu Koli," Hawaii, June 4, 1978
- (39) "H-39, Kokoolau," Hawaii, June 4, 1978
- (40) "H-40, Mauna Loa," Hawaii, June 4, 1978
- (41) "H-41, Keaiwa Reservoir," Hawaii, June 4, 1978
- (42) "H-42, Punaluu," Hawaii, August 12, 2011
- (43) "H-43, Naalehu," Hawaii, August 12, 2011
- (44) "H-44, Honokaa," Hawaii, June 4, 1978
- (45) "H-45, Umikoa," Hawaii, June 4, 1978
- (46) "H-46, Mauna Kea," Hawaii, June 4, 1978
- (47) "H-47, Puu Oo," Hawaii, June 4, 1978
- (48) "H-48, Puu Ulaula," Hawaii, June 4, 1978
- (49) "H-49, Kipuka Pakekake," Hawaii, June 4, 1978
- (50) "H-50, Wood Valley," Hawaii, June 4, 1978
- (51) "H-51, Pahala," Hawaii, June 4, 1978
- (52) "H-52, Kukaiau," Hawaii, June 4, 1978
- (53) "H-53, Keanakolu," Hawaii, June 4, 1978
- (54) "H-54, Puu Akala," Hawaii, June 4, 1978
- (55) "H-55, Upper Piihonua," Hawaii, June 4, 1978
- (56) "H-56, Kulani," Hawaii, June 4, 1978
- (57) "H-57, Kilauea Crater," Hawaii, August 23, 1985
- (58) "H-58, Kau Desert," Hawaii, June 4, 1978
- (59) "H-59, Naliikakani Point," Hawaii, June 4, 1978
- (60) "H-60, Papaaloa," Hawaii, October 22, 1993
- (61) "H-61, Akaka Falls," Hawaii, November 23, 1987
- (62) "H-62, Piihonua," Hawaii, June 4, 1978
- (63) "H-63, Puu Makaala," Hawaii, June 4, 1978
- (64) "H-64, Volcano," Hawaii, June 4, 1978
- (65) "H-65, Makaopuhi Crater," Hawaii, June 4, 1978
- (66) "H-66, Papaikou," Hawaii, June 4, 1978
- (67) "H-67, Hilo," Hawaii, June 4, 1978
- (68) "H-68, Mountain View," Hawaii, June 4, 1978
- (69) "H-69, Kalalua," Hawaii, June 4, 1978
- (70) "H-70, Kalapana," Hawaii, August 23, 1985

- (71) "H-71, Keaau Ranch," Hawaii, June 4, 1978
- (72) "H-72, Pahoa North," Hawaii, June 4, 1978
- (73) "H-73, Pahoa South," Hawaii, June 4, 1978
- (74) "H-74, Kapoho," Hawaii, June 4, 1978
- (75) "M-1, Honolua," Maui, June 4, 1978
- (76) "M-2, Lahaina," Maui, June 4, 1978
- (77) "M-3, Olowalu," Maui, June 4, 1978
- (78) "M-4, Kahakuloa," Maui, June 4, 1978
- (79) "M-5, Wailuku," Maui, August 12, 2011
- (80) "M-6, Maalaea," Maui, June 4, 1978
- (81) "M-7, Paia," Maui, June 4, 1978
- (82) "M-8, Puu O Kali," Maui, June 4, 1978
- (83) "M-9, Makena," Maui, June 4, 1978
- (84) "M-10, Haiku," Maui, August 12, 2011
- (85) "M-11, Kilohana," Maui, August 23, 1985
- (86) "M-12, Lualailua," Maui, June 4, 1978
- (87) "M-13, Keanae," Maui, June 4, 1978
- (88) "M-14, Nahiku," Maui, June 4, 1978
- (89) "M-15, Kaupo," Maui, August 12, 2011
- (90) "M-16, Hana," Maui, August 23, 1985
- (91) "M-17, Kipahulu," Maui, July 25, 1988
- (92) "Mo-1, Ilio Point," Molokai, June 4, 1978
- (93) "Mo-2, Molokai Airport," August 23, 1985
- (94) "Mo-3, Kaunakakai," Molokai, August 23, 1985
- (95) "Mo-4, Kamalo," Molokai, June 4, 1978
- (96) "Mo-5, Halawa," Molokai, June 4, 1978
- (97) "Lanai," June 4, 1978
- (98) "Kahoolawe," June 4, 1978
- (99) "O-1, Kaena," Oahu, August 12, 2011
- (100) "O-2, Waianae," Oahu, December 13, 2002
- (101) "O-3, Waimea," Oahu, January 27, 2011
- (102) "O-4, Haleiwa," Oahu, August 23, 1985
- (103) "O-5, Schofield Barracks," Oahu, June 4, 1978
- (104) "O-6, Ewa," Oahu, June 4, 1978
- (105) "O-7, Kahuku," Oahu, June 4, 1978
- (106) "O-8, Hauula," Oahu, June 4, 1978
- (107) "O-9, Waipahu," Oahu, June 4, 1978
- (108) "O-10, Puuloa," Oahu, August 23, 1985
- (109) "O-11, Kahana," Oahu, March 24, 1994
- (110) "O-12, Kaneohe," Oahu, March 24, 2011

Chapter 13-5
Exhibit 1

- (111) "0-13, Honolulu," Oahu, August 12, 2011
- (112) "0-14, Mokapu," Oahu, August 23, 1985
- (113) "0-15, Koko Head," Oahu, August 12, 2011
- (114) "K-1, Makaha Point," Kauai, June 4, 1978
- (115) "K-2, Kekaha," Kauai, June 4, 1978
- (116) "K-3, Haena," Kauai, August 12, 1992
- (117) "K-4, Waimea Canyon," Kauai, June 4, 1978
- (118) "K-5, Hanapepe," Kauai, June 4, 1978
- (119) "K-6, Hanalei," Kauai, June 4, 1978
- (120) "K-7, Waialeale," Kauai, June 4, 1978
- (121) "K-8, Koloa," Kauai, August 23, 1985
- (122) "K-9, Anahola," Kauai, June 9, 2006
- (123) "K-10, Kapaa," Kauai, June 9, 2006
- (124) "K-11, Lihue," Kauai, August 23, 1985

**ENVIRONMENTAL ASSESSMENT
FREDERICK W. GREGG, JR., SINGLE-FAMILY DWELLING
AND ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

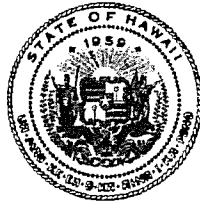
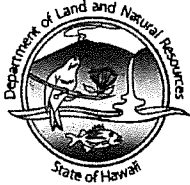
TMK No. (3) 8-6-013:009

Ho'okena, South Kona District, County of Hawai'i, State of Hawai'i

APPENDIX 16

**Comments Responsive to Pre-Consultation
Publication Notice
Comments on Draft EA
Responses to Commentson Draft EA**

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

REF:OCCL:TM

Correspondence: HA 20-13

Roy A. Vitousek III
Cades •Schutte
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740-1737

AUG - 7 2019

SUBJECT: Pre-Consultation for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Construction of a Single-Family Residence Located at Ho'okena, South Kona, Hawai'i, TMK: (3) 8-6-013:009

Dear Mr. Vitousek:

Thank you for your pre-consultation correspondence regarding the preparation of the draft EA. The rules and regulations regarding Environment Impact Statement Rules noted as the Hawai'i Administrative Rules, §§11-200-1 to 11-200-30 have been repealed and a new Chapter noted as HAR, 11-200.1 has been adopted. Modifications have been made regarding publication in the Office of Environmental Quality Control (OEQC) *Environmental Bulletin*, in addition to other changes.

The subject property lies within the General subzone of the Conservation District. A single family residence is an identified land use in the General subzone that could be applied for pursuant to the Hawai'i Administrative Rules (HAR) §13-5-24 R-7 SINGLE FAMILY RESIDENCE (D-1) a single family residence that conforms to design standards as outlined in this chapter. This proposed land use requires the filing of a Conservation District Use Application (CDUA) and all required attachments such as an Environmental Assessment and the filing of an HRS, 6E Intake Form for historic preservation compliance.

The proposed land use will require a Board permit, therefore to allow, modify or deny the proposed land use would be at the discretion of the Board of Land and Natural Resources. The draft Environmental Assessment (EA) should site and describe all improvements for the proposal. This would include the proposed residence, access, utilities, landscaping and any other proposed work including trenching, and grading.

Alternatives that may include other possible sites for the residence or other alternatives should be included with the draft. Proposed mitigation and best management practices before, during and after the proposed construction should be described. For all proposed landscaping, preference

APPENDIX 16

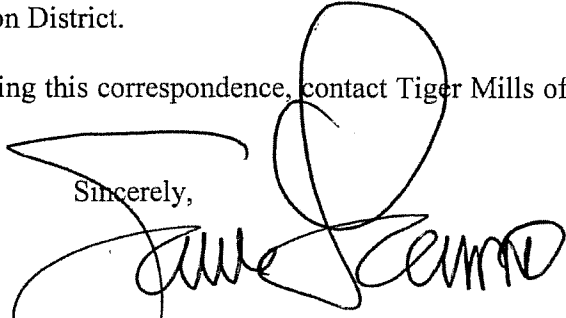
Roy A. Vitousek III
Cades •Schutte

Correspondence: HA 20-13

shall be given to native, indigenous, and endemic species. The introduction of invasive plant species is prohibited in the Conservation District.

Should you have any questions regarding this correspondence, contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo". The signature is stylized with large, sweeping loops and is positioned above the printed name.

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

C: County of Hawai'i
-Planning

Harry Kim
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT
349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

July 26, 2019

Mr. Roy A. Vitousek III
CADES SCHUTTE, ALLLP
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawaii 96740-1737

Dear Mr. Vitousek:

RE: EARLY CONSULTATION ON ENVIRONMENTAL ASSESSMENT
FOR CONSTRUCTION OF A SINGLE-FAMILY HOME IN THE CONSERVATION DISTRICT AT
HO'OKENA, SOUTH KONA TMK NO. (3) 8-6-013:009

The above-referenced Early Consultation on Environmental Assessment for Construction has been reviewed and we have no comments to offer at this time.

Should you have any questions or concerns, please contact Captain Gilbert Gaspar Jr., Commander of the Kona District, at 326-4646, extension 299.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF


MITCHELL KANEHAILUA JR.
ASSISTANT POLICE CHIEF
AREA II OPERATIONS

GG/jaj
19HQ0799

Harry Kim
Mayor

Wil Okabe
Managing Director



David Yamamoto, P.E.
Director

Allan G. Simeon, P.E.
Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
(808) 961-8321 · Fax (808) 961-8630
public_works@hawaiicounty.gov

July 26, 2019

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua Kona, Hawaii 96740
(via email to: rvitousek@cales.com)

Subject: Early Consultation on Environmental Assessment
For Construction of a Single-Family Home in the Conservation District at
Ho'okena, South Kona
Scoping and Early Consultation
Tax Map Key: (3) 8-6-013:009

We have reviewed the request for early consultation for an Environmental Assessment and our comments are as follows:

1. All development generated runoff shall be disposed of on-site and shall not be directed toward adjacent properties.
2. All earthwork and grading shall conform to Chapter 10 – Erosion and Sedimentation Control – of the Hawaii County Code.

Please provide us with a copy of the EA when it is completed for our review.

Should there be any questions concerning this matter, please feel free to contact Natalie Whitworth of our Kona Engineering Division office at 323-4853.

Ben Ishii, Division Chief
Engineering Division

NW

Copy: Roy Vitousek (hard copy)
Engineering-HILO/KONA
Planning Department- Hilo

July 19, 2019

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740-1737
Direct Line: (808) 329-5811
Direct Fax: (808) 326-1175
Email: rvitousek@ca des.com

Dear Agency, Organization, or Neighboring Resident:

Re: Early Consultation on Environmental Assessment
for Construction of a Single-Family Home in the Conservation District at
Ho`okena, South Kona TMK No. (3) 8-6-013:009

We have been asked by landowner Frederick W. Gregg, Jr. (also known as Rick Gregg), to prepare an Environmental Assessment (EA) in compliance with Chapter 343, Hawaii Revised Statutes. Mr. Gregg plans to build a home on his property (.429 acres) located in the Ho`okena Village on Ho`okena Beach Road, South Kona, Hawaii. The EA is necessary because the property is in the State of Hawaii land use Conservation District and the EA will be part of a Conservation District Use Permit Application. The purpose of this letter is to provide information about the project and request your input on site conditions and issues that you wish to be addressed in the EA, and any other concerns you may have.

Mr. Gregg has been a resident of Kona for the last 33 years. He is an attorney who has served as Deputy Prosecuting Attorney for the County of Hawaii and as a private attorney. He recently retired and wants to build his retirement home at Ho`okena.

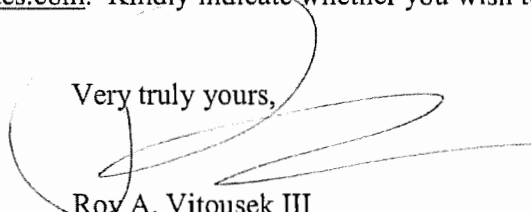
Mr. Gregg has owned the property for 25 years and plans to build a modest two-story home with one bedroom, one bathroom, a kitchen and dining area, spacious lanais, and storage areas. The home will be used by Mr. Gregg, personally, and not for short-term or long-term rental. Most of the site will be left as is and there will be minimal disturbance of any natural features on the property. Associated improvements will include an individual wastewater system, a driveway, a roof-mounted solar electrical system, and minimal landscaping using existing types of plants found in the area to screen the home from view. There is no public electrical service in Ho`okena Village so Mr. Gregg's plans will include a roof-top solar system for generating electricity. He will rely on cellular phone service in lieu of a land-line phone.

Mr. Gregg has submitted a draft Archaeological Inventory Survey (DAIS) to the State Historic Preservation Division and has obtained a determination of exemption from a Special Management Area Use Permit from the County of Hawaii Planning Department. The DAIS determined that Mr. Gregg's property is, itself, a historical site having been a historic area residence; no burials were found. The areas of investigation in the EA will include, but not be limited to, the following: water quality assurance; wastewater treatment; flora, fauna, and ecosystems; traffic impacts; geology, soils, and hazards; flooding and drainage impacts; social, cultural and community impacts; historic sites; and economic impacts. Again, we would appreciate your comments on any special environmental conditions or impacts related to the project.

Agency, Organization, or Neighbor
July 19, 2019
Page 2

Please provide any written questions or comments to undersigned at 75-170 Hualalai Road, Suite B-303, Kailua-Kona, Hawaii 96740. If you need clarification, please contact me at 808-329-5811 or email me at rvitousek@caedes.com. Kindly indicate whether you wish to receive a copy of the EA when completed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy A. Vitousek III", is written over a circular stamp or mark.

Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV:bah

State of Hawaii
Department of Transportation
Highways Division
50 Makaala Street
Hilo, Hawaii 96720

State of Hawaii
Department of Health
Kinau Hale
1250 Punchbowl Street
Honolulu, HI 96813

State of Hawaii
Department of Land and Natural Resources
Office of the Chairman
P. O. Box 621
Honolulu, Hawaii 96809

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

State of Hawaii
Office of Hawaiian Affairs
560 N Nimitz Highway, Suite 200
Honolulu, HI 96817

State of Hawaii
Department of Land and Natural Resources
Historic Preservation Division
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

County of Hawaii
Planning Department
Aupuni Center, Suite 3
101 Pauahi Street
Hilo, Hawaii 96720

Hawaii County Council
25 Aupuni Street
Hilo, Hawaii 96720

County of Hawaii
Department of Public Works
Aupuni Center, Suite 7
101 Pauahi Street
Hilo, Hawaii 96720

County of Hawaii
Fire Department
Aupuni Center, Suite 2501
25 Aupuni Street
Hilo, Hawaii 96720

County of Hawaii
Police Department
349 Kapi'olani Street
Hilo, Hawaii 96720

County of Hawaii
Parks and Recreation Division
Aupuni Center, Suite 6
101 Pauahi Street
Hilo, Hawaii 96720

Clarence A. Medeiros, Jr.
86-3672 Mamalahoa Highway
Captain Cook, Hawaii 96704

Charles Young
P. O. Box 505
Honaunau, Hawaii 96726-0505
Columns

Kupa Friends of Ho'okena Beach Park
P. O. Box 141
Honaunau, Hawaii 96726

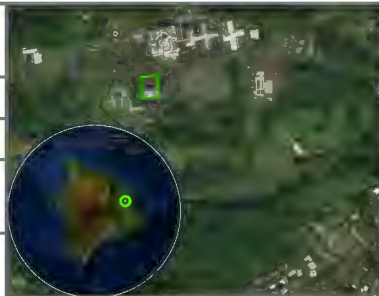
McCandless Land and Cattle Co.
P. O. Box 500
Honaunau, Hawaii 96726-0500

Pukaana Congregational
P. O. Box 228
Honaunau, Hawaii 96726 0228

Hawaii Conference Foundation
1848 Nu'uuanu Avenue
Honolulu, Hawaii 96817-2426

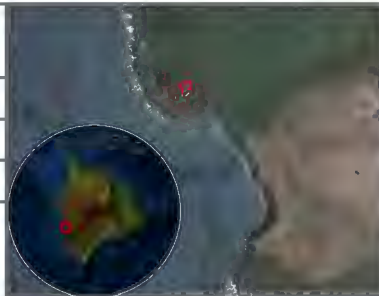
HAWAI‘I

Hilo Medical Center Oncology Center Addition And Rural & Telehealth Center Unit--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	South Hilo	
TMK(s)	(3) 2-3-031:019	
Permit(s)	Hawai‘i County: Building Division Approval, Planning Department Plan Approval Hawai‘i State Department of Health: Underground Injection Control Permit (potential)	
Proposing/ Determining Agency	Hawaii Health Systems Corporation, State of Hawai‘i Lisa Shiroma, (808) 932-3111, lshiroma@hhsc.org 1190 Waiuanue Ave., Hilo, HI 96720	
Consultant	Geometrician Associates; P.O. Box 396, Hilo, HI 96721 Ron Terry, (808) 969-7090, rterry@hawaii.rr.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by March 9, 2020. Please send comments to the proposing/determining agency and copy the consultant.	

Hilo Medical Center seeks to expand the Hawaii Pacific Oncology Center and construct the Rural & Telehealth Center Unit in Hilo. The project would take place on a graded, unpaved 0.5308-acre lot next to the existing Hawaii Pacific Oncology Center building. The first floor will be utilized by the Hawaii Pacific Oncology Center and will include a pharmacy, a medication oncology infusion room, and accessory rooms and facilities. The second floor will house the Hilo Rural Health & Telehealth Center, which will offer primary care, multiple medical specialties, urgent care and telemedicine access to off-island specialties that are not available on-island. It will include a registration area, a nursing station, exam rooms, and accessory rooms and facilities. No significant water, biological, historic or cultural resources are present, and construction noise will be mitigated per a DOH permit, as applicable.

Gregg Single-Family Residence--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(2) Propose any use within any land classified as a conservation district	
District(s)	South Kona	
TMK(s)	(3) 8-6-013:009	
Permit(s)	Conservation District Use Permit, SMA Exemption, County Building Permits	
Approving Agency	Department of Land and Natural Resources, State of Hawai‘i Samuel Lemmo, (808) 587-0373, sam.j.lemmo@hawaii.gov P. O. Box 621, Honolulu, HI 96809	
Applicant	Frederick W. Gregg, Jr.; 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, HI 96740 c/o: Randy Vitousek, (808) 521-9345, rvitousek@cades.com	
Consultant	None	
Status	Statutory 30-day public review and comment period starts. Comments are due by March 9, 2020. Please send comments to the approving agency at trevor.j.fitzpatrick@hawaii.gov and copy the applicant.	

Mr. Gregg applies to build a 2-story, 1-bedroom retirement home for himself with a footprint of 2,016 sq. ft.; decks, lanais and living area will be 3,234 sq. ft. with rooftop solar and photovoltaic equipment for electrical power, an individual wastewater system. He has owned the property for almost 30 yrs. The property is located approx. 500 ft. from the shoreline and is accessed by Ho‘okena Beach Rd. The home will be set back from all property lines, roughly in the center of the lot, with a gravel driveway and some landscaping, including fruit trees. Limited grading/leveling will be required for the building pad. An AIS concluded that the property is a historic era residence, was assessed as significant, the information was documented for importance of understanding historic habitation of the Ho‘okena Village area; no preservation was recommended and no burial sites were reported. Environmental impacts will be minimal to resume the historic use of the property.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

REF: OCCL: TF

CDUA: HA-3863

Acceptance Date: January 24, 2020

180-Day Exp. Date: July 27, 2020

Roy A. Vitousek, III
Cades ▪ Schutte
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740

SUBJECT: Conservation District Use Application (CDUA) HA-3863 Single Family Residence; Landscaping; and Related Improvements Located at Ho'okena Beach Road, Ho'okena, South Kona, Hawai'i, Tax Map Key: (3) 8-6-013:009

Dear Mr. Vitousek:

This letter is in regards to the processing of CDUA HA-3863 and the associated Environmental Assessment (EA). The public and agency comment period on the EA has closed as of March 9, 2020. Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding your client's CDUA/EA.

Please send copies of your responses to the questions raised in these letters directly to the authoring agency. The final copy of this project's Environmental Assessment (EA) needs to include your responses to the queries raised in these letters pursuant to Hawai'i Administrative Rules (HAR) 11-200.1-20 (c). These responses can be attached to the end of the Final EA document.

Please send one (1) hard copy of the Final EA and one (1) CD or flash drive containing the Final EA **in searchable pdf. format** to the OCCL by **April 9, 2020**. The OCCL will send you notice of determination regarding the EA and actions to be taken by you as the applicant or on behalf of your client.

Should you have any questions, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 587-0373.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Samuel J. Lemmo".

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

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2020 FEB 28 A 8:21

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

REF: OCCL: TF

CDUA: HA-3863

Acceptance Date: January 24, 2020

180-Day Exp. Date: July 27, 2020

SUSPENSE DATE: 21 Days from stamped date

MEMORANDUM

JAN 28 2020

TO:

State Agencies

___ DLNR-Resource Enforcement

___ DLNR-Aquatic Resources

___ DLNR-Engineering

___ DLNR-Hawaii District Land Office

___ DLNR-Forestry and Wildlife

___ DLNR-Na Ala Hele

** ___ DLNR-Historic Preservation

-via e-mail w/6E Form

___ Office of Hawaiian Affairs

County Agencies:

___ Planning Department

✓ ___ Fire Department

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3863
Single Family Residence; Landscaping and Related Improvements

APPLICANT:

Frederick W. Gregg Jr.

LOCATION:

Ho'okena, South Kona, County of Hawai'i
TMK: (3) 8-6-013:009

Attached please find a CD of CDUA HA-3863 and the draft Environmental Assessment along with our Department's notice to the applicant. These documents may also be found on our website at dlnr.hawaii.gov/occl under current applications. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Contact Trevor Fitzpatrick at (808) 587-0373 should you have any questions on this matter.

Comments Attached

No Comments

Darren J. Rosario, Fire Chief

Signature/ Print your Name and Title

Attachment
Enclosure

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Lance S. Uchida
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

February 20, 2020

Mr. Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809

Dear Mr. Lemmo,

**SUBJECT: Conservation District Use Application (CDUA) HA-3863 for a Single Family Residence; Landscaping and Related Improvements.
TMK: (3) 8-6-013:009**

In regards to the above-referenced Conservation District Use Application, the following shall be in accordance:

NFPA 1, UNIFORM FIRE CODE, 2006 EDITION

Note: Hawai'i State Fire Code, National Fire Protection Association 2006 version, with County of Hawaii amendments. County amendments are identified with a preceding "C~" of the reference code.

Chapter 18 Fire Department Access and Water Supply

18.1 General. Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

18.1.1 Plans.

18.1.1.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.



18.1.1.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

C~ 18.1.1.2.1 Fire Hydrant use and Restrictions. No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

18.2 Fire Department Access.

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

18.2.2* Access to Structures or Areas.

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

18.2.3 Fire Department Access Roads. (*may be referred as FDAR)

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

18.2.3.1.3* When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400ft² (37 m²) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

18.2.3.2.1.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.1 shall be permitted to be increased to 300 feet.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

18.2.3.4 Specifications.

18.2.3.4.1 Dimensions.

C~ 18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. **Exception:** FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

C~ 18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less than 13ft 6 in.

C~ 18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

18.2.3.4.1.2.2 Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

C~ 18.2.3.4.2 **Surface.** Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

18.2.3.4.3 **Turning Radius.**

C~ 18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

18.2.3.4.3.2 Turns in fire department access road shall maintain the minimum road width.

18.2.3.4.4 **Dead Ends.** Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

18.2.3.4.5 **Bridges.**

18.2.3.4.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

18.2.3.4.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.4.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

18.2.3.4.6 **Grade.**

C~ 18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

18.2.3.4.6.2* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.2.3.4.6.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

18.2.3.4.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved the AHJ.

18.2.3.5 Marking of Fire Apparatus Access Road.

18.2.3.5.1 Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

18.2.3.5.2 A marked fire apparatus access road shall also be known as a fire lane.

18.2.4* Obstruction and Control of Fire Department Access Road.

18.2.4.1 General.

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

18.2.4.1.3* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

18.2.4.2 Closure of Accessways.

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.4.2.3 Roads, trails, and other access ways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

18.3 Water Supplies and Fire Hydrants

18.3.1* A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural. Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

18.3.2* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.3.3* The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.

18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

C~ 18.3.8 Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for Firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for Firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for Firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of *this code*.

NOTE: In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:

- 1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;
- 2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
 - a) 4" for C900 PVC pipe;
 - b) 4" for C906 PE pipe;
 - c) 3" for ductile Iron;
 - d) 3' for galvanized steel.
- 3) The Fire Department Connection (FDC) shall:
 - a) be made of galvanized steel;
 - b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
 - c) be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;
 - d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
 - e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
 - f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
 - g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*.
- 4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- 5) Inspection and maintenance shall be in accordance to NFPA 25.
- 6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

EXCEPTIONS TO SECTION 18.3.8:

- 1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- 2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.

- 3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- 4) For one and two family dwellings, agricultural buildings, and storage sheds greater than 2000square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.
- 5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 932-2911.



DARREN J. ROSARIO
Fire Chief

CB:ds

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII P 12:03
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF: OCCL: TF

CDUA: HA-3863

Acceptance Date: January 24, 2020

180-Day Exp. Date: July 27, 2020

SUSPENSE DATE: 21 Days from stamped date

MEMORANDUM

JAN 28 2020

TO:

State Agencies

DLNR-Resource Enforcement

Office of Hawaiian Affairs

DLNR-Aquatic Resources

DLNR-Engineering

DLNR-Hawaii District Land Office

County Agencies:

DLNR-Forestry and Wildlife

Planning Department

DLNR-Na Ala Hele

Fire Department

** DLNR-Historic Preservation

-via e-mail w/6E Form

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3863
Single Family Residence; Landscaping and Related Improvements

APPLICANT:

Frederick W. Gregg Jr.

LOCATION:

Ho'okena, South Kona, County of Hawai'i
TMK: (3) 8-6-013:009

Attached please find a CD of CDUA HA-3863 and the draft Environmental Assessment along with our Department's notice to the applicant. These documents may also be found on our website at dlnr.hawaii.gov/occl under current applications. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp. **BY FEBRUARY 18**

Contact Trevor Fitzpatrick at (808) 587-0373 should you have any questions on this matter.

The DLNR Land Division (HI District Branch)
has no comments regarding this request.

() Comments Attached

No Comments

Attachment
Enclosure

Signature/ Print your Name and Title

GORDON C. HEIT

District Land Agent

FEB - 7 2020

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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LAND
STATE PARKS

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

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2020 FEB -7 P 2

REF: OCCL: TF

CDUA: HA-3863

Acceptance Date: January 24, 2020

180-Day Exp. Date: July 27, 2020

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MEMORANDUM

TO:

State Agencies

DLNR-Resource Enforcement

DLNR-Aquatic Resources

DLNR-Engineering

DLNR-Hawaii District Land Office

DLNR-Forestry and Wildlife

DLNR-Na Ala Hele

DLNR-Historic Preservation

-via e-mail w/6E Form

Office of Hawaiian Affairs

County Agencies:

Planning Department

Fire Department

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3863
Single Family Residence; Landscaping and Related Improvements

APPLICANT:

Frederick W. Gregg Jr.

LOCATION:

Ho'okena, South Kona, County of Hawai'i
TMK: (3) 8-6-013:009

Attached please find a CD of CDUA HA-3863 and the draft Environmental Assessment along with our Department's notice to the applicant. These documents may also be found on our website at dlnr.hawaii.gov/occl under current applications. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Contact Trevor Fitzpatrick at (808) 587-0373 should you have any questions on this matter.

Comments Attached

No Comments

Attachment
Enclosure

Signature/ Print your Name and Title

Carty S. Chang, Chief Engineer

JAN 28 2020

JAN 30 AM 10:52

RECEIVED
LAND DIVISION

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

REF: OCCL: TF

CDUA HA-3863

Acceptance Date: January 24, 2020

180 Day Expiration Date: July 27, 2020

JAN 27 2020

Roy A. Vitousek, III
Cades ▪ Schutte
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740

Dear Mr. Vitousek:

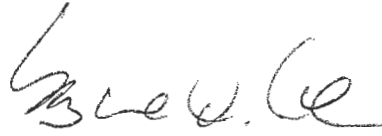
**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL
DETERMINATION
Conservation District Use Application (CDUA) HA-3863
(Board Permit)**

This acknowledges the receipt and acceptance for the processing of your client's CDUA for a Single-Family Residence (SFR), landscaping and related improvements located at Ho'okena Beach Road, Ho'okena, South Kona, Hawai'i, Tax Map Key: (3) 8-6-013:009. The subject property is approximately 0.429-acres and lies within the General Subzone of the State Land Use Conservation District.

The applicants are proposing to construct a two-story 3,234 sq. ft SFR, landscaping, and related improvements. The proposed first floor of the SFR is planned to encompass a laundry room, bathroom, stairs, and storage area that will be partially used for photovoltaic equipment and battery storage. The proposed second floor of the SFR is planned to host the kitchen, living room, bedroom, a second bathroom, and a walk-in closet as well as deck and lanai areas. Additional structures that will support the SFR include an Individual Wastewater System (IWS) that includes a 1,000-gallon septic tank as well as a twelve (12) by twelve (12) foot absorption bed and the roof will have photovoltaic panels to provide electricity to the home. Hawaiian Telcom supplies telephone service to the region via overhead transmission lines; however, your client plans to use cellular telephone service instead of a land-line phone. The property and SFR will be served by a private water source which also serves several other nearby homes and the County of Hawai'i's Ho'okena Beach Park.

In addition to the SFR and related supportive structures, your clients is proposing landscaping improvements to the property by planting fruit trees (mango, lychee, citrus, avocado, and ulu), flowering trees and shrubs, and a lawn around the home. Your client may also develop a hedge

Sincerely,



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

CC: *Hawaii Board Member*
DAR/DOCARE/DOFAW/HDLO/CWRM/ENG/NAH
SHPD-via Email w/ 6E Form
OHA
OEQC
Council Person Maile Medeiros David
County of Hawai'i, Planning Department
County of Hawai'i, Fire Department
KUPA – Friends of Ho'okena Beach Park

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

OCCL/Samuel J. Lemmo

Ref: REQUEST FOR COMMENTS

Conservation District Use Application (CDUA) HA-3863

Single Family Residence; Landscaping and Related Improvements

TMK(s): (3) 8-6-013:009

Location: Ho'okena, South Kona, County of Hawai'i

Applicant: Frederick W. Gregg Jr.

COMMENTS


The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: _____


CARY S. CHANG, CHIEF ENGINEER

Date: _____

2/9/20

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE

TO:

- CHAIRPERSON
- DEPUTY CHAIRPERSON
- AQUATIC RESOURCES
- COMMISSION ON WATER RESOURCE MANAGEMENT
- CONSERVATION & RESOURCES ENFORCEMENT
- CONVEYANCES
- ENGINEERING
- FISCAL OFFICE
- HISTORIC PRESERVATION
- INFORMATION TECHNOLOGY
- LAND DIVISION
- OFFICE OF THE CONSERVATION & COASTAL LANDS
- PERSONNEL OFFICE
- STATE PARKS

FOR:

- SIGNATURE
- INFORMATION
- RETURN:
- APPROPRIATE ACTION
- COMMENTS AND RECOMMENDATIONS
- DRAFT REPLY
- FILE
- _____
- _____
- _____
- _____
- _____

RECEIVED
 OFFICE OF CONSERVATION
 AND COASTAL LANDS
 2020 FEB -4 A 8:18
 DEPT. OF LAND &
 NATURAL RESOURCES
 STATE OF HAWAII

REMARKS:

Attn: Trevor Fitzpatrick

DAVID Y. IGE
GOVERNOR OF
HAWAII



2493
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
ROBERT K. MASUDA
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2020 FEB -4 A 8:18

REF: OCCL: TF

CDUA: HA-3863
Acceptance Date: January 24, 2020
180-Day Exp. Date: July 27, 2020
SUSPENSE DATE: 21 Days from stamped date

MEMORANDUM

JAN 28 2020

TO:

State Agencies

- DLNR-Resource Enforcement
- DLNR-Aquatic Resources
- DLNR-Engineering
- DLNR-Hawaii District Land Office
- DLNR-Forestry and Wildlife
- DLNR-Na Ala Hele
- ** DLNR-Historic Preservation

Office of Hawaiian Affairs

County Agencies:

- Planning Department
- Fire Department

-via e-mail w/6E Form

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3863
Single Family Residence; Landscaping and Related Improvements

APPLICANT:

Frederick W. Gregg Jr.

LOCATION:

Ho'okena, South Kona, County of Hawai'i
TMK: (3) 8-6-013:009

Attached please find a CD of CDUA HA-3863 and the draft Environmental Assessment along with our Department's notice to the applicant. These documents may also be found on our website at dlnr.hawaii.gov/occl under current applications. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Contact Trevor Fitzpatrick at (808) 587-0373 should you have any questions on this matter.

Comments Attached

No Comments

Attachment
Enclosure

Doris Moana Rowland 2-3-2020
NAA Abstractor
Signature/ Print your Name and Title

From: [Cab General](#)
To: [Lemmo, Sam J](#); [Randy Vitousek](#)
Subject: DOH Clean Air Branch Comments on Draft EA for Gregg Single-Family Residence
Date: Tuesday, March 10, 2020 1:07:55 PM

Aloha

Thank you for the opportunity to provide comments on the subject project.

Please see our standard comments at:

<https://health.hawaii.gov/cab/files/2019/04/Standard-Comments-Clean-Air-Branch-2019.pdf>

Please let me know if you have any questions.

Barry Ching
Clean Air Branch
Hawaii Department of Health
(808) 586-4200

**Standard Comments for Land Use Reviews
Clean Air Branch
Hawaii State Department of Health**

If your proposed project:

Requires an Air Pollution Control Permit

You must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.

s

Includes construction or demolition activities that involve asbestos

You must contact the Asbestos Abatement Office in the Indoor and Radiological Health Branch.

Has the potential to generate fugitive dust

You must control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, business, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does *not* require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints.

You should provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

- a) Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water source at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing airborne, visible fugitive dust from shoulders and access roads;
- e) Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling airborne, visible fugitive dust from debris being hauled away from the project site.

If you have questions about fugitive dust, please contact the Enforcement Section of the Clean Air Branch

Clean Air Branch (808) 586-4200 cab@doh.hawaii.gov	Indoor Radiological Health Branch (808) 586-4700
--	---

April 1, 2019

ca-des · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

March 25, 2020

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740-1737
Direct Line: (808) 329-5811
Email: rvitousek@ca-des.com

Darren J. Rosario, Fire Chief
Hawai'i Fire Department
County of Hawaii
25 Aupuni Street, Suite 2501
Hilo, Hawaii 96720

Re: Conservation District Use Application (CDUA) HA-3863 for a Single Family Residence; Landscaping and Related Improvements at Ho'okena, South Kona TMK: (3) 8-6-013:009; Owner/Applicant: Frederick W. Gregg, Jr.

Dear Mr. Rosario:

This is a response to your letter dated February 20, 2020, commenting on the above-identified Conservation District Use Application and associated draft Environmental Assessment (EA). Applicant will provide your letter to the architect designing the single-family residence. Applicant or his designer and/or contractor will review the design plans with your Department prior to submittal for building permit approval for adherence to the relevant sections of the Fire Code.

Thank you for your participation in the CDUA and EA process. If you have questions or require additional information, please contact me.

Very truly yours,

Roy A. Vitousek III
for
CADES SCHUTTE
A Limited Liability Law Partnership

RAV:bah/tmt

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

ca-des · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

March 25, 2020

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740-1737
Direct Line: (808) 329-5811
Email: rvitousek@ca-des.com

Gordon C. Heit
District Land Agent
Hawaii District Branch
Department of Land and Natural Resources
75 Aupuni Street, Room 204
Hilo, Hawaii 96720

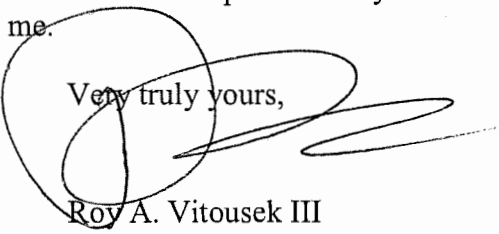
Re: Conservation District Use Application (CDUA) HA-3863 for a Single Family Residence; Landscaping and Related Improvements at Ho'okena, South Kona TMK: (3) 8-6-013:009; Owner/Applicant: Frederick W. Gregg, Jr.

Dear Mr. Heit:

Applicant hereby acknowledges receipt of the February 7, 2020, "No Comments" response by the Department of Land and Natural Resources, Hawaii District Branch Office, to the Department's January 28, 2020, form Memorandum soliciting agency comments on the above-identified Conservation District Use Application and associated draft Environmental Assessment (EA).

Thank you for your participation in the CDUA and EA process. If you have questions or require additional information, please contact me.

Very truly yours,



Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV:bah/tmt

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

ca-des · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

March 25, 2020

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740-1737
Direct Line: (808) 329-5811
Email: rvitousek@ca-des.com

Carty S. Chang
Chief Engineer
Engineering Division
Department of Land and Natural Resources
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

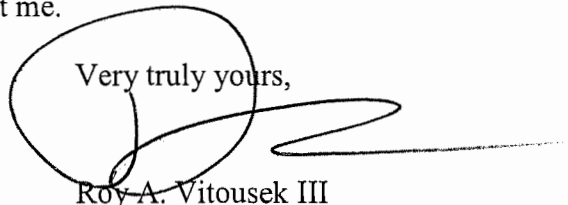
Re: Conservation District Use Application (CDUA) HA-3863 for a Single Family Residence; Landscaping and Related Improvements at Ho'okena, South Kona TMK: (3) 8-6-013:009; Owner/Applicant: Frederick W. Gregg, Jr.

Dear Mr. Chang:

This is a response to your February 6, 2020, memorandum comments on the above-identified Conservation District Use Application and associated draft Environmental Assessment (EA). Please note that the subject property is in Flood Zone X of the Flood Insurance Rate Maps. Applicant will provide your letter to the architect designing the single-family residence for adherence to the National Flood Insurance Program rules and regulations and any local flood ordinances.

Thank you for your participation in the CDUA and EA process. If you have questions or require additional information, please contact me.

Very truly yours,



Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV:bah/tmt

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

ca-des · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

March 25, 2020

Roy A. Vitousek III
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740-1737
Direct Line: (808) 329-5811
Email: rvitousek@ca-des.com

Doris Moana Rowland
Nā Ala Hele Abstractor
Division of Forestry and Wildlife
Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Re: Conservation District Use Application (CDUA) HA-3863 for a Single Family Residence; Landscaping and Related Improvements at Ho'okena, South Kona TMK: (3) 8-6-013:009; Owner/Applicant: Frederick W. Gregg, Jr.

Dear Ms. Rowland:

Applicant hereby acknowledges receipt of the "No Comments" response by the Na Ala Hele Trails and Access Program filed with the Office of Conservation and Coastal Lands on February 4, 2020, in response to the Department of Land and Natural Resources' January 28, 2020, form Memorandum soliciting agency comments on the above-identified Conservation District Use Application and associated draft Environmental Assessment (EA).

Thank you for your participation in the CDUA and EA process. If you have questions or require additional information, please contact me.

Very truly yours,

Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV:bah/tmt

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

ca-des · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

March 25, 2020

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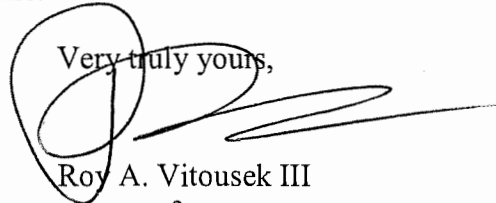
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Dear Mr. Ching:

This is a response to your March 10, 2020, submittal of the Clean Air Branch standard comments relative to the above-identified Conservation District Use Application and associated draft Environmental Assessment (EA). Applicant will provide the comments to the contractor responsible for the single-family residence project to assure that the Pollution Control Permit is secured and that the required measures are in place to control airborne and visible fugitive dust.

Thank you for your participation in the CDUA and EA process. If you have questions or require additional information, please contact me.

Very truly yours,



Roy A. Vitousek III
for

CADES SCHUTTE
A Limited Liability Law Partnership

RAV:bah/tmt

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

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