

Dungate Single Family
Residence

STATE OF HAWAII
Department of Land and Natural Resources
Planning Branch
Land Division
Honolulu, Hawaii

RECEIVED

January 8, 1998

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OFFICE OF
QUALITY CONTROL

REF:PB:LT

File No.: HA-2877
FEA, FONSI

MEMORANDUM

TO: Gary Gill, Director
Office of Environmental Quality Control

FROM: Dean Uchida, Administrator 
Land Division

SUBJECT: Final EA for Conservation District Use Permit
Application HA-2877 for the Construction of a Single
Family Residence on TMK: 8-7-19: 32, South Kona, Hawaii

The Department of Land and Natural Resources has reviewed the subject report and is issuing a Negative Declaration for the proposed project.

Enclosed are four copies of the final EA that has been amended to include the comments received during the public review period and the applicant's responses. Also enclosed is a copy of your publication form and a diskette. Please publish the notice of availability of the subject document in the January 23, 1998 issue of the Environmental Notice.

Please call Lauren Tanaka at 587-0385, should you have any questions.

ATTACHMENTS

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1998-01-23-0A-~~FEA~~-Dungate Single **FILE 601**
Family Residence

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**FINAL
ENVIRONMENTAL ASSESSMENT**

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QUALITY

**SINGLE FAMILY RESIDENCE
of
Peter C. Dungate and Harold V. Dungate**

**Kaohe 4th, South Kona, Hawaii
TMK: (3) 8-7-19:32
Lot 329, Kona Paradise Subdivision**

**For Submittal to:
State of Hawaii
Department of Land & Natural Resources**

December, 1997

**STEVEN S. C. LIM
Carlsmith Ball Wichman Case & Ichiki
121 Waiuanue Avenue
Hilo, Hawaii 96720
Telephone: 935-6644**

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**FINAL
ENVIRONMENTAL ASSESSMENT**

**SINGLE FAMILY RESIDENCE
of
Peter C. Dungate and Harold V. Dungate**

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I. IDENTIFICATION OF THE APPLICANTS

The Applicants, Peter C. Dungate, and his father Harold V. Dungate are residents of Kailua-Kona, and whose mailing address is P. O. Box 89, Kailua-Kona, Hawaii 96740. The Applicants' are the fee owners of the Property involved in the subject project, being Lot 329 of the Kona Paradise Subdivision ("Subdivision"), situate at Kaohe 4th, District of South Kona, Island, County and State of Hawaii, more particularly identified as tax map key parcel: (3) 8-7-19:32. The Applicants' ownership of the Property is evidenced by the Deed, dated February 18, 1986, recorded at the Bureau of Conveyances of the State of Hawaii on March 7, 1986, as Document No. 86-26266. (See, Exhibit 1, Deed and Exhibit 2, Location Map.)

II. IDENTIFICATION OF APPROVING AGENCY

This environmental assessment is being submitted in conjunction with an application to BLNR for a Conservation District Use Application ("CDUA"), in accordance with Sections 13-5-12 and 13-5-23(c) L-4, L-6 and L-7 of the Department of Land and Natural Resources ("DLNR") Administrative Rules. The approving agency for this assessment is the Department of Land & Natural Resources.

III. IDENTIFICATION OF AGENCIES CONSULTED IN MAKING ASSESSMENT

The following agencies provided assistance or information in preparing this assessment:

State Agencies

DLNR, Office of Conservation & Environmental Affairs
DLNR, State Historic Preservation Division
DLNR, Engineering Branch
DLNR, Division of Aquatic Resources
State Land Use Commission
Department of Health

County Agencies

Planning Department
Department of Public Works
Civil Defense Agency

IV. PROJECT DESCRIPTION

A. Location

The Project Area is situated within the Conservation District, Limited Subzone, within a coastal high hazard area, at Kaohe 4th, District of South Kona, Island, County and State of Hawaii. (See, Exhibit 2, Location Map.) The property on which the project is located is designated by TMK No.: (3) 8-7-19:32, and contains a total area of 12,091 square feet. The Project Area is situated immediately adjacent to Ili-Ili Beach and shares a common mauka Ili-Ili Beach/makai property boundary located approximately 50 feet inland from the shoreline. (See, Exhibits 3A and 3B, Area Tax Maps.)

B. Existing Uses and Activities

The Property is a flat undeveloped lot in the Kona Paradise Subdivision, which was granted final subdivision approval in 1959 by the County. The Property is currently vacant, except for rock wall remnants bordering portions of its perimeter boundaries. (See, Exhibits 5A to 5H, Site Photographs.)

C. Permits Issued for the Project

On April 20, 1995, the Hawaii County Planning Department exempted Applicants' proposed single-family residence from further Special Management Area review, subject to siting of the proposed residence 40 feet mauka of the makai boundary of the Property, rather than 21 feet from said boundary as originally proposed. (See, Exhibit 9, County SMA Exemption.)

D. Proposed Uses and Activities

The Subdivision was granted final subdivision approval by the County of Hawaii in 1959, after which lots were cleared and graded. The residential Subdivision is currently comprised of both developed and undeveloped lots. The State Department of Land and Natural Resources ("DLNR") has approved Conservation District Use Applications ("CDUA") for the construction of single-family residences on neighboring parcels (3) 8-7-19:36 (File No. HA-2321 approved on March 9, 1990), (3) 8-7-19:31 (File No. HA-2730 approved on December 16, 1994), and (3) 8-7-19:33 (File No. HA-2822 approved on November 22, 1996).

The Applicants are similarly seeking CDUA approval for the following improvements to be constructed on the approximately 12,091 square foot Property:

1. **Single-Family Residence.** A one-story residential dwelling of post-and-pier construction of approximately 900 square feet in living area, together with a lanai and connecting walkway area of approximately 750 square feet, and a garage/water catchment storage area of approximately 560 square feet, to be serviced by private water catchment and wastewater treatment systems meeting with all applicable State and County regulations. (See, Exhibit 6, Site Plan, and Exhibit 7, Construction Plans.)

2. **Landscaping.** Small shrubbery and ground cover, possibly retaining existing trees on the Property, to harmonize with adjacent landscaping and surrounding scenic resources.

E. Timetable for Development

The Applicants propose to begin construction of the single-family residence and implementation of the landscaping plan within three months after receipt of all required permits from the State and County. It is anticipated that construction of the single-family residence and accompanying landscaping plan should be completed within one year.

V. GENERAL PROJECT CHARACTERISTICS

A. Technical Characteristics

1. Surrounding Area and Land Uses and Existing Structures

The approximately 12,091 square foot oceanfront property is identified as Lot 329 of the Kona Paradise Subdivision located approximately 25 miles south of Kailua-Kona. The rectangular-shaped Property shares a common boundary with Ili-Ili Beach at its makai (western) edge, approximately 50 feet inland from the shoreline. The Property is flanked along its northern, southern and eastern boundaries by other privately owned residential lots and single-family dwellings within the Subdivision.

The surrounding land areas are characterized by kuleanas and other privately owned lots of comparable size which are similarly classified "Conservation" by the State Land Use Commission, are zoned "Agricultural Five Acres" (A-5a) under the Hawaii County Zoning Code (Chapter 25, Hawaii County Code), are designated "Open" and "Conservation" on the County's General Plan Land Use Pattern Allocation Guide (LUPAG) map, and are located within the County of Hawaii's Special Management Areas (SMA).

Residences similar in character and design to that proposed by applicants are located nearby the Property and within the Subdivision. The State

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Department of Land and Natural Resources has approved the following Conservation District Use Applications ("CDUA") for the construction of single-family residences on neighboring parcels (3) 8-7-19:36 (File No. HA-2321 approved on March 9, 1990), (3) 8-7-19:31 (File No. HA-2730 approved on December 16, 1994), and (3) 8-7-19:33 (File No. HA-2822 approved on November 22, 1996). (See, Exhibits 3A and 3B, Area Tax Maps.)

2. Existing access and utilities.

Access to the Property is taken off Road "M", which accesses onto Kaohe Road and connects to Mamalahoa Highway at the mauka end of the Subdivision. Both Road "M" and Kaohe Road are non-dedicated asphalt covered roadways within a 40-foot right-of-way, which are maintained by the Kona Paradise Property Owners Association. Electrical and telephone entries are located at the south/mauka corner of the Property, with potable water to be drawn from a private catchment system and wastewater to be handled via a private treatment system installed by Applicants in compliance with applicable governmental regulations.

B. Economic Characteristics.

Short-term employment is contemplated for local building contractors for design and construction of the single-family dwelling, construction of the single-family dwelling, water catchment and septic systems, and landscaping.

C. Social/Cultural Characteristics.

To the best of the Applicants' knowledge, the Property has not been significant for cultural/and or historical purposes. The Property is situated within the Kona Paradise Subdivision, amidst other privately owned residential lots and single-family dwellings and related improvements of comparable character and size.

D. Environmental Characteristics.

1. Fauna and flora.

The Property is sparsely vegetated with grasses, ekoa, night blooming cirrus and keawe. The Subdivision was originally graded upon its establishment in 1959, and there remains no evidence of rare or endangered native plants and/or animals within the Property or the surrounding area.

2. Historical and archaeological resources.

The Property is not among those listed as historic properties in the Hawaii Register, and has not been determined to be eligible for inclusion in the National Register of Historic Places. As discussed earlier, the Subdivision was graded upon its establishment in 1959, and the Property is currently vacant except for remnants of perimeter rock walls constructed prior to Applicants' acquisition of the Property in 1986. (See, Exhibits 5A to 5H, Site Photographs.)

As stated in State Historic Preservation Officer Ralston Nagata's September 21, 1989 letter regarding nearby parcel (3) 8-7-19:36 in the Subdivision, "... since the parcel has been graded, it is highly unlikely that any significant historic sites remain. Thus, we believe that any single-family dwelling will have 'no effect' on significant historic sites." (See, Exhibit 10, DLNR Historic Sites letter.)

3. Topography, soils and shoreline

The Property is located on the leeward coast of the Island of Hawaii, which is characterized by a dry and hot climate. The Property is relatively level with surrounding land forms characterized by a general gradual slope to the coastline.

The Soil Survey of the Island of Hawaii, prepared by the Department of Agriculture, Soil Conservation Service, classifies the soil as "rLV" or "Lava Flows, A'a", which is a miscellaneous land type. This lava is rough and broken, has practically no soil covering and is bare of vegetation, except for mosses, lichens, ferns and a few small ohia trees. The Land Study Bureau classifies soils on the Property as "E", or "Very Poor", in agricultural productivity.

The shoreline characteristics of the Property and adjoining oceanfront properties along Ili-Ili Beach which fronts the Subdivision is predominantly historical A'a flows, with smooth black stones ranging in size from small sand particles to stones eight inches in diameter. The shoreline fronting the Property is characterized by a general gradual slope to the sea. The makai boundary of the Property is approximately 150 feet inland from the high water mark. (See, Exhibits 5A to 5H, Site Photographs.)

While the Property at its makai edge shares a common boundary with Ili-Ili Beach, it is not presently used for public access to the beach, since pedestrian and vehicular access to the shoreline is secured approximately 300 feet north of the Property.

4. Flood and tsunami hazards.

The Property is situated within the "X" or outside the 500-year flood plain, per the U.S. Corps of Engineers Flood Insurance Rate Maps (FIRM), and is situated adjacent to an area designated "VE-8 feet" (coastal floodplain with base flood elevations of eight feet). The County of Hawaii Civil Defense Agency notes that although the Property carries a "X" designation, this rating is not indicative of "flood hazards." Civil Defense recognizes that the lot is located in a "coastal high hazard area" and is: (1) within the Hawaii County Civil Defense Agency's evacuation area for hazards to tsunami and possible surges from hurricanes, (2) within the tsunami-inundation area based on its distance from the shoreline and elevation; and (3) within possible inundation line for hurricane-caused surf and surge. See, Exhibit 8C, August 19, 1997 letter from Harry Kim, Administrator, County of Hawaii Civil Defense Agency.

VI. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROLS FOR THE AFFECTED AREA

A. State Land Use Law

All lands within the State have been classified into one of our land use districts: Urban, Rural, Agricultural and Conservation, by the State Land Use Commission, pursuant to Chapter 205, HRS. Except for a small portion of the Property which lies within the State land use Agricultural District, the Project Area lies within the Conservation District. Lands located within the State land use Conservation Districts are administered by DLNR, pursuant to Chapter 183C, HRS. (See, Exhibit 4B, Land Use Commission Boundary Interpretation.)

B. State Administrative Rules Governing Land Uses within Conservation Districts

Title 13 of the Hawaii Administrative Rules ("HAR"), for the Department of Land and Natural Resources, under Subtitle 1, Chapter 5, regulates land uses within the Conservation District. The rules establish five subzones within the Conservation District: the protective, limited, resource, general and specific subzones. All land within the Conservation District has been designated within one of the five subzones by BLNR.

The Project Area is designated within the limited or (L) subzone. (See, Exhibit 4A, Conservation Subzone Map). Section 13-5-12, HAR, provides that the objective of this subzone "is to limit uses where natural conditions suggest constraints on human activities." The rule also provides that the (L) subzone encompasses:

- (1) Lands susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention 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.

Permitted land uses within the (L) subzone, under Section 13-5-23, HAR, include:

- * Landscaping, defined as alteration (including clearing) of plant cover. (L-4)
- * A single family residence in a floodplain or coastal high hazard area (L-6)
- * Construction or replacement of structures accessory to an existing structure, building, or facility under an existing conservation district use permit. (L-7)

The single-family residential uses proposed by the project are permitted land uses within the coastal high hazard area of the (L) subzone, under the DLNR rules.

C. Special Management Area/Shoreline Setback

The Project Area is located within the Special Management Area ("SMA") as defined by Chapter 205A, and Rule 9 of the County of Hawaii Planning Commission Rules, and is located within the 40-foot shoreline setback areas as defined by Rule 8 of the County of Hawaii Planning Commission Rules relating to Shoreline Setback. On April 20, 1995, the Hawaii County Planning Department exempted Applicants' proposed single-family residence from further Special Management Area review and waived a new certified shoreline survey for the Property subject to siting of the proposed residence 40 feet mauka of the makai boundary of the Property or its common boundary with Ili-Ili Beach, rather than 21 feet from said boundary as originally proposed. (See, Exhibit 9, County SMA Exemption.) Applicants have revised the subject site plan in accordance with this condition of County SMA approval. (See, Exhibit 6, Site Plan, and Exhibit 7, Construction Plans.)

D. Environmental Impact Statement.

Section 343-5(a)(2), HRS, provides that any use that is proposed within any land classified as Conservation District land by the State land use commission under Chapter 205, is subject to the Environmental Impact Statement law, Chapter 343, HRS.

Section 343-5(c), HRS, provides that applicants proposing actions subject to Chapter 343, HRS.

“... shall prepare an environmental assessment of such proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required.”

This environmental assessment has been prepared to fulfill these requirements.

VII. MAJOR IMPACTS AND ALTERNATIVES CONSIDERED

A. Major Impacts

The modest scope of the proposed improvements are not expected to contribute to any economic, social or environmental concerns, or cause adverse environmental impacts, except for minor temporary noise and dust inconveniences during the construction period which can be mitigated by implementation of control measures standard to the industry.

In addition, no major long-term impacts are anticipated as a result of the implementation of Applicants' proposal, since: (1) the proposed improvements are consistent with those existing in the residential Subdivision for which prior CDUA approvals for the construction of similar improvements on neighboring parcels (3) 8-7-19:31, 33 and 36 were granted by DLNR, and (2) the proposed single-family residence and accessory structures, and landscaping are identified and permitted uses within the (L) subzone, pursuant to Section 13-5-23, HAR.

In compliance with County SMA approval, Applicants will site the proposed residential improvements 40 feet inland of the Property's makai boundary, or approximately 90 feet inland of the shoreline. Applicants will also construct private water catchment and wastewater treatment systems meeting with all applicable governmental regulations to further protect against shoreline impacts.

B. Alternatives to the Proposed Action

The Applicants would have no alternative but to abandon the proposed action. The no-action alternative would provide for the Project Area to remain vacant land. This alternative deprives the Applicants of the reasonable use of their Property in light of similar residential improvements existing in the Subdivision for which prior CDUA approvals on neighboring parcels (3) 8-7-19:36 (File No. HA-2321 approved on March 9, 1990), (3) 8-7-19:31 (File No. HA-2730 approved on December 16, 1994), and (3) 8-7-19:33 (File No. HA-2822 approved on November 22, 1996) were granted by DLNR.

Applicants also submit that the County would realize no benefit if the Property were left unused or underutilized.

VIII. PROPOSED MITIGATING MEASURES

Construction of the proposed structural improvements will comply with all applicable State and County regulations, and the introduction of landscaping will help control dust and harmonize structural improvements with the surrounding area. By agreement with the County, Applicant will site the proposed residence 40 feet inland of the Property's common boundary with Ili-Ili Beach, in resolution of any SMA, shoreline setback and shoreline recertification issues.

IX. CONSULTING AGENCIES FOR ENVIRONMENTAL IMPACT STATEMENT (EIS) PREPARATION

(Not applicable.)

X. WRITTEN COMMENTS AND RESPONSES ON EARLY CONSULTATION

A. Exemption from Special Management Area (SMA) Requirements

On April 20, 1995, the Hawaii County Planning Department exempted applicants' proposed single-family residence from further Special Management Area review, subject to siting of the proposed residence 40 feet mauka of the makai boundary of the Property, rather than 21 feet from said boundary as originally proposed. (See, Exhibit 9, County SMA Exemption.) Applicants have revised the subject site plan in accordance with this condition of County SMA approval. (See, Exhibit 6, Site Plan, and Exhibit 7, Construction Plans.)

XI. WRITTEN COMMENTS AND RESPONSES DURING PUBLIC REVIEW PERIOD

Agency comments were received from the County of Hawaii Planning Department, County of Hawaii Department of Water Supply, Department of Land and Natural Resources' Engineering Branch, State Historic Preservation Division and Division of Aquatic Resources, and the State of Hawaii Department of Health. (See, Exhibit 11, agency comments and Applicants' responsive letters.)

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XII. AGENCY DETERMINATION/ANTICIPATED DETERMINATION

The anticipated negative declaration is subject to the public review provisions of Section 11-200-9.1.

XIII. FINDINGS AND REASONS SUPPORTING THE ANTICIPATED DETERMINATION

Applicants anticipate a negative declaration based on a determination that the cumulative effects of the approval for the construction of a proposed single-family residence and landscaping plan will have no significant effect on the environment since:

A. There are no known archaeological/cultural resources in the area that would involve an irrevocable commitment to loss or destruction of any natural or cultural resources. The Subdivision was established in 1959 and the Property and surrounding area have long been developed for residential purposes.

B. The beneficial uses of the environment for recreational and access purposes will not be curtailed since pedestrian and vehicular public shoreline access to the shoreline is secured approximately 300 feet north of the Property.

C. The preparation of the environmental assessment is in compliance with Chapter 344, HRS, and the proposed action does not conflict with the short or long term policies, goals and guidelines of Chapter 344, HRS.

D. The economic or social welfare of the community will not be affected as the residential Subdivision has existed since 1959. The proposed action should not preclude the development of coastal dependent economic uses and/or public and private facilities.

E. Public health will not be affected since temporary construction activities for the proposed single-family residence is anticipated to last a few months and can be properly mitigated through standard construction practices. In addition, the removal of brush and weed from the Property and the replanting of small shrubbery and ground cover will help abate dust problems in the area.

F. The proposed action will not cause substantial secondary impacts, nor adversely affect population changes on public facilities. Access is provided off Road "M" and Kaohe Road, both maintained by the Kona Paradise Property Owners Association. Electrical and telephone entries are located at the south/mauka corner of the Property, and the Applicants' propose to draw potable water from a private water catchment system and wastewater disposal will be handled by a private water treatment system to be installed by

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Applicants in compliance with applicable governmental regulations. There are no additional burdens on public facilities anticipated from the proposed action.

G. The proposed action does not involve a substantial degradation of environmental quality as the proposed improvements do not compromise the character of the Property and surrounding area.

H. The proposed improvements are consistent in character and size with other residential improvements in the area, and will neither conflict with or intensify existing land uses, nor burden existing area resources and available public services, and therefore does not have a cumulative effect upon the environment or involve a commitment for larger action.

I. There are no known rare, threatened, or endangered plant or animal species or habitats on the Property or immediate vicinity.

J. The proposed action will not detrimentally affect air or water quality or ambient noise levels since temporary construction activities for the construction of a proposed single-family residence is anticipated to last a few months and can be properly mitigated through standard construction practices. Further, the removal of brush and weed from the Property and the replanting of small shrubbery and ground cover will help abate dust problems in the area.

K. Although the Property is located within a "coastal high hazard area" and within the Hawaii County Civil Defense Agency's tsunami evacuation area, there is no tsunami data for the Project Area, and the shoreline along Ili-Ili Beach has remained stable during seasonal coastal storms.

L. The existing and proposed improvements are consistent with the character and size of other residences in the area and does not substantially impact upon the scenic vistas and viewplanes of surrounding properties.

M. Substantial energy consumption is not required for the existing and proposed improvements.

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STC # 175610

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RECORDATION REQUESTED BY:

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
RECORDATION DIVISION

SECURITY TITLE CORPORATION

86- 26266

16 MAR 7 4 8: 01

AFTER RECORDATION, RETURN TO:

19337 608

SECURITY TITLE CORPORATION

RETURN BY: MAIL () PICKUP (X)

DEED

KNOW ALL MEN BY THESE PRESENTS:

That JACK H. UJIMORI, husband of Harumi Ujimori, of Honolulu, City and County of Honolulu, State of Hawaii, hereinafter called the "Grantor", for and in consideration of the sum of TEN DOLLARS (\$10.00), and other valuable consideration to him paid by PETER CURREN DUNGATE, unmarried, whose post office address is P. O. Box 89, Kailua-Kona, Hawaii 96745, and HAROLD VINCENT DUNGATE, husband of Katharina Dungate, whose residence and post office address is P.O. Box 89, Kailua-Kona, Hawaii 96740, hereinafter

called the "Grantees", the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the Grantees, as JOINT TENANTS, with full rights of survivorship and not as Tenants in Common, their

STATE OF HAWAII
CONVEYANCE TAX
\$ 45.00
MAR 7 1986

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EXHIBIT 1
DEED

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respective heirs, executors, administrators and assigns, in fee simple absolute, all that certain real property described in Exhibit "A", attached hereto and incorporated herein by reference.

And the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the said Grantees, in the tenancy aforesaid, their respective heirs, executors, administrators and assigns.

AND the Grantor, in consideration of the premises, does hereby covenant and agree to and with the said Grantees, and their respective executors, administrators and assigns, that he (the Grantor) is seised of the above-described real property for an estate in fee simple and that his title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current year which shall be pro rated between the parties hereto as of the date of delivery of this instrument; and (2) those hereinbefore more specifically set forth; that he has good right to sell and convey the same

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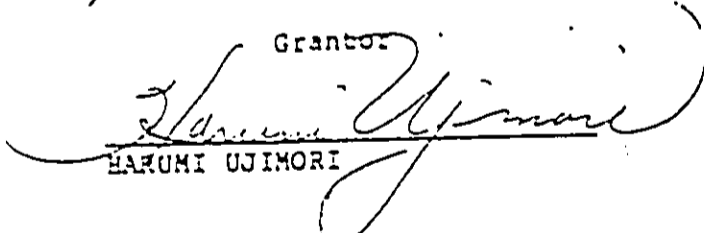
as aforesaid and that he will, and his heirs, executors, administrators and assigns shall WARRANT AND DEPEND the same unto said Grantees, their respective heirs, executors, administrators and assigns against the lawful claims and demands of all persons, except as aforesaid.

And HARUMI UJIMORI, wife of Jack H. Ujimori, in consideration of ONE DOLLAR (\$1.00) to her paid, receipt whereof is hereby acknowledged, does hereby release, remise and forever quitclaim unto the Grantees, their respective heirs, executors, administrators and assigns, all of her right, title and interest in and to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor and the said HARUMI UJIMORI have executed these presents on this _____ day of FEB 18 1995, 19____.


JACK H. UJIMORI

Grantor


HARUMI UJIMORI

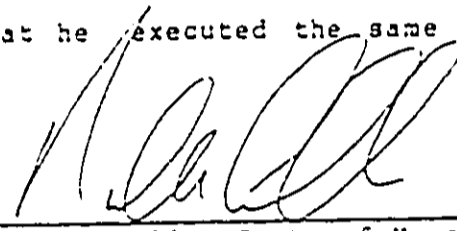
50185 HV-3

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STATE OF HAWAII) 19337 611
CITY & COUNTY OF HONOLULU) ss:

On this ___ day of FEB 18 1965, 19___, before me personally appeared JACK H. UJIMORI, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

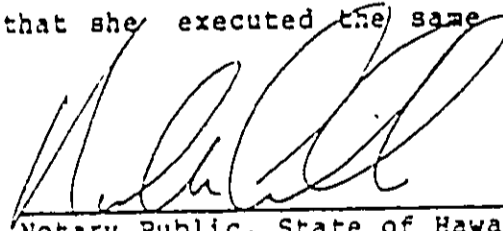
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Notary Public, State of Hawaii
My commission expires: JAN 30 1968

STATE OF HAWAII)
CITY & COUNTY OF HONOLULU) ss:

On this ___ day of FEB 18 1965, 19___, before me personally appeared HARUMI UJIMORI, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.



Notary Public, State of Hawaii
My commission expires: 1-20-69

Grantees' residence addresses are Kailua-Kona, Hawaii.

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EXHIBIT "A"

All of that certain piece or parcel of land (being a portion of Mahele Award Number 25, R. P. 7739 to Nahua), situate at Kahohe 4th, District of South Kona, Island and County of Hawaii, State of Hawaii, being LOT 329, of the KONA PARADISE SUBDIVISION", containing an area of 12,091 square feet, more or less, and commonly designated by Tax Map Key 8-7-19-32.

TOGETHER WITH an undivided 1/600th interest in common with others for ingress and egress on, over and across those certain roadways running through the subdivision, said roadways being the same as those described in that certain Deed to Singleton Associates, Inc., dated November 15, 1971, and recorded at the Bureau of Conveyances at Honolulu in Liber 7992 at Page 314.

Being all of the land conveyed to JACK H. UJIMORI, husband of Harumi Ujimori, by Exchange Deed dated FEB 18 1996, 19____, recorded in the Bureau of Conveyances of the State of Hawaii in Liber _____, Page _____.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 7739.

2. Undated RECORDATION OF CHARTER OF INCORPORATION AND BY-LAWS OF THE KONA PARADISE PROPERTY OWNERS ASSOCIATION recorded on January 26, 1973 in the Bureau of Conveyances of the State of Hawaii in Liber 8893, Page 432.

By instrument dated March 5, 1975, recorded on April 16, 1975 in said Bureau of Conveyances in Liber 10571, Page 397, the foregoing RECORDATION OF CHARTER OF INCORPORATION AND BY-LAWS OF THE KONA PARADISE PROPERTY OWNERS ASSOCIATION was amended.

3. CERTIFICATE OF ADOPTION OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF KONA PARADISE PROPERTY OWNERS ASSOCIATION (A Hawaii Non-Profit Corporation) dated February 5, 1975, recorded on February 6, 1975 in said Bureau of Conveyances in Liber 10448, Page 283.

50185 RW-3

0000 0009 1244

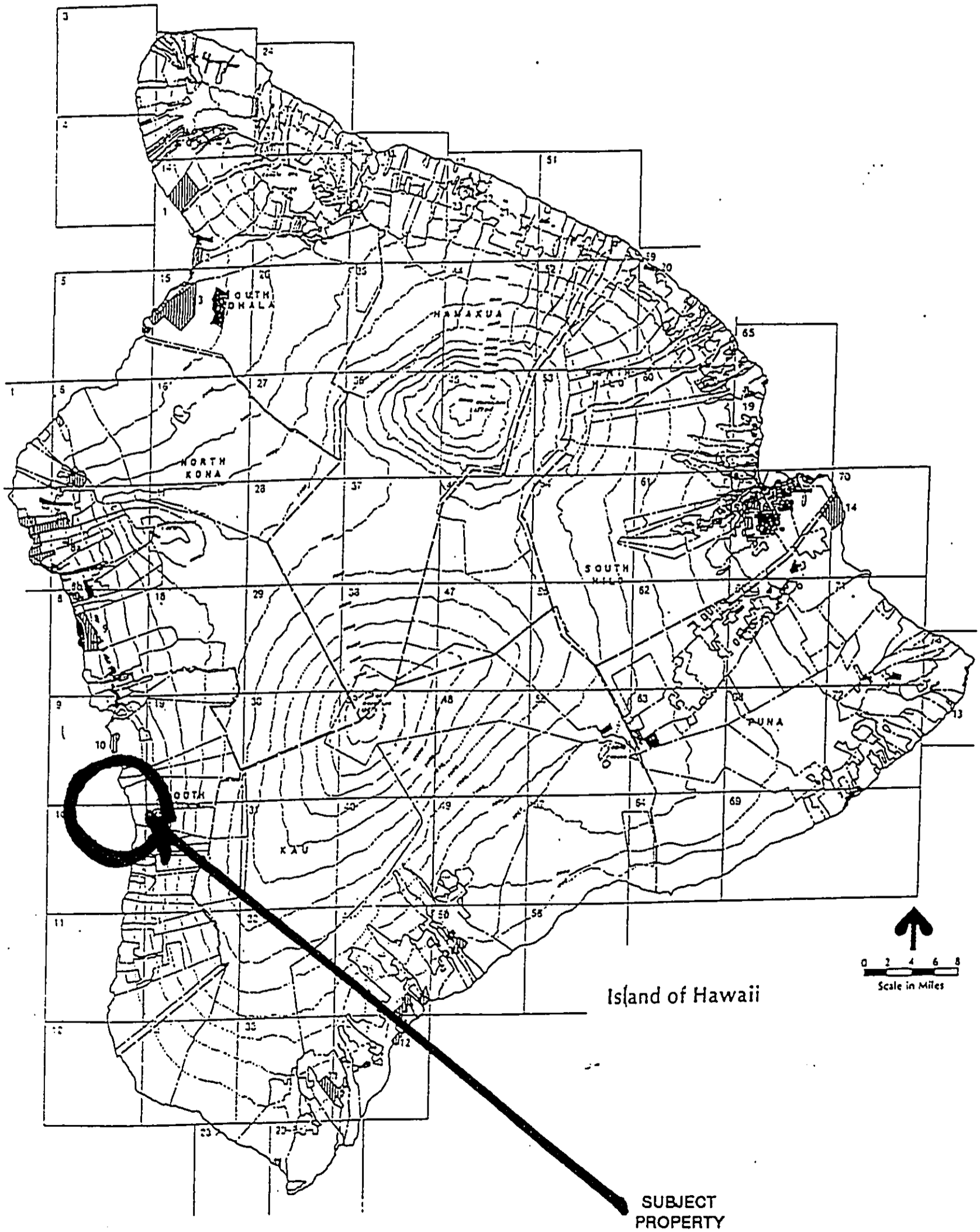
.....
19337 613

4. Any facts which a correct survey and inspection of the land herein described would disclose.

END OF EXHIBIT "A"

50185RV3

0000 0009 1245

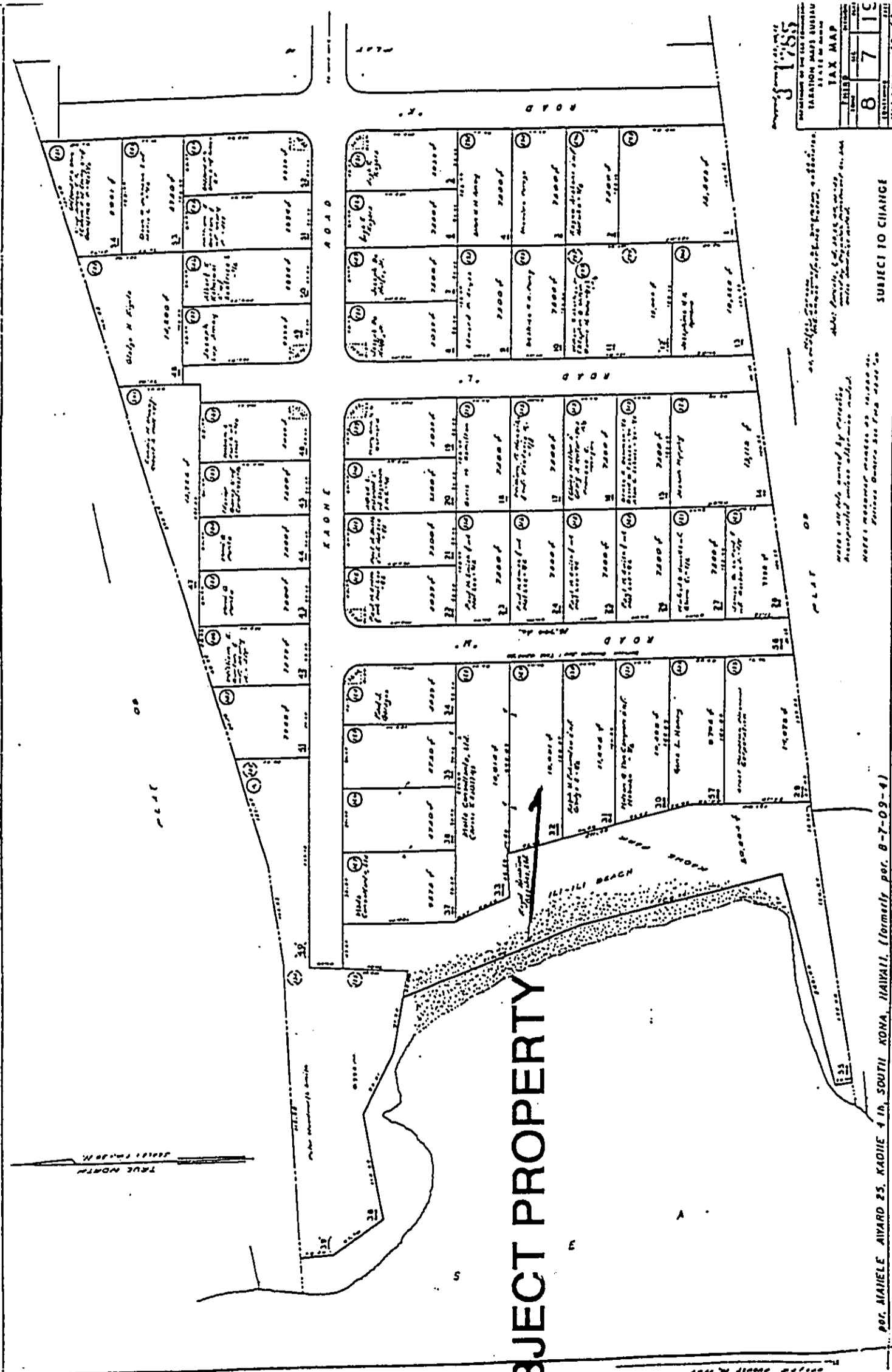


SUBJECT
PROPERTY

EXHIBIT 2
LOCATION MAP

0000 0009 1247

0-7-19 3RD DIV



1955
 TAXATION MAPS DIVISION
 HAWAII
 TAX MAP
 8 7 19
 1955

NOTES: ALL AREAS SHOWN BY DOTTED LINES ARE SUBJECT TO CHANGE.
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 NOTES: ALL AREAS SHOWN BY DOTTED LINES ARE SUBJECT TO CHANGE.

PER: MAHELE AVARD 25, KAOHE 4 IN SOUTH KONA, HAWAII. (formerly per. 8-7-09-4)

0000 0009 1249

JOHN WAHNEZ
GOVERNOR



ESTHER
EXECUTIVE

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

June 1, 1994

Mr. Ralph Fukumitsu
75-167E Hualalai Road, Suite 1
Kailua-Kona, Hawaii 96745

Dear Mr. Fukumitsu:

Subject: BOUNDARY INTERPRETATION for Tax Map Key No.:
8-7-19: 31, Kaohē 4th, South Kona, Hawaii

This is in response to your May 26, 1994 telephone conversation with Fred Talon of our staff requesting copies of the existing boundary interpretation for the subject parcel.

For your information, the Conservation / Agricultural District boundary in the area of the subject parcel extends from the shoreline to approximately 300 feet inland. The boundary interpretation enclosed provides an approximate location of this boundary. For a more precise determination of the boundary, we would require a map of the current shoreline as certified by the Department of Land and Natural Resources.

Copies of boundary interpretations with the approximate State Land Use Conservation / Agricultural District boundary delineated are enclosed for your reference.

If you have any questions, please call Fred Talon or Bert Saruwatari of my staff at 587-3822.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

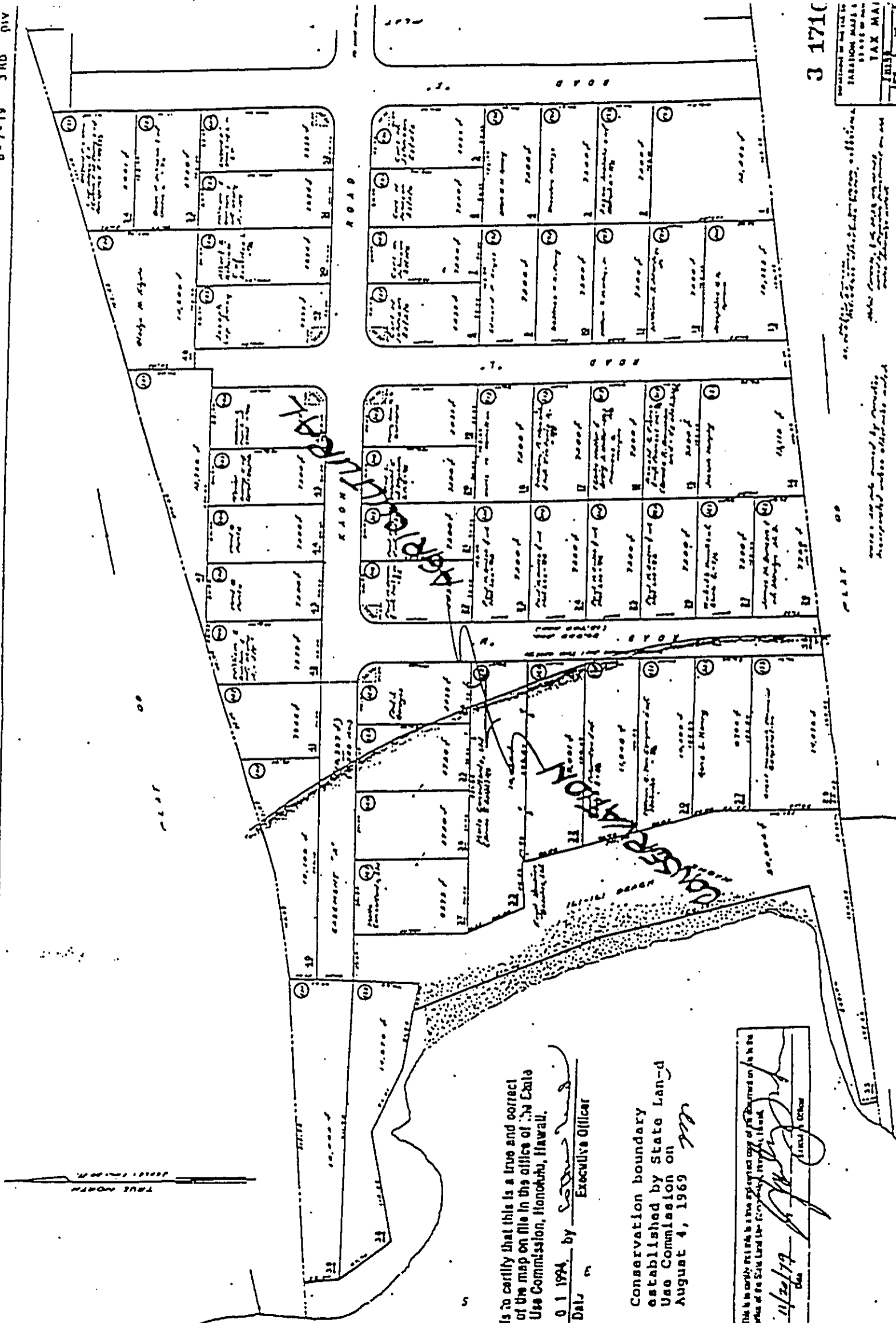
ESTHER UEDA
Executive Officer

EU:fl

encl.: Boundary Interpretations Map dated May 15, 1971 and
November 20, 1979.

0000 0009 1250

0-7-19 3 RD DIV



This is to certify that this is a true and correct copy of the map on file in the office of the State Land Use Commission, Honolulu, Hawaii.

JUN 0 1 1969, by [Signature]
 Date Executive Officer

Conservation boundary established by State Land Use Commission on August 4, 1969 [Signature]

This is to certify that this is a true and correct copy of the map on file in the office of the State Land Use Commission, Honolulu, Hawaii.

[Signature]
 Date Executive Officer

3 171C

DEPARTMENT OF LAND AND NATURAL RESOURCES
 HONOLULU, HAWAII
 STATE OF HAWAII
 TAX MAP
 JULY 1969
 8 7

NOTICE: This map is subject to change without notice. The State of Hawaii is not responsible for any errors or omissions. The user assumes all liability for any use of this map.

cc. MAHELE AWARD 23. KAOHE 41A. SOUTH KOHA. HAWAII. Formerly ser. 0-7-09-41

SUBJECT TO CHANGE
 LUC file copy

0000 0009 1251

DOCUMENT CAPTURED AS RECEIVED

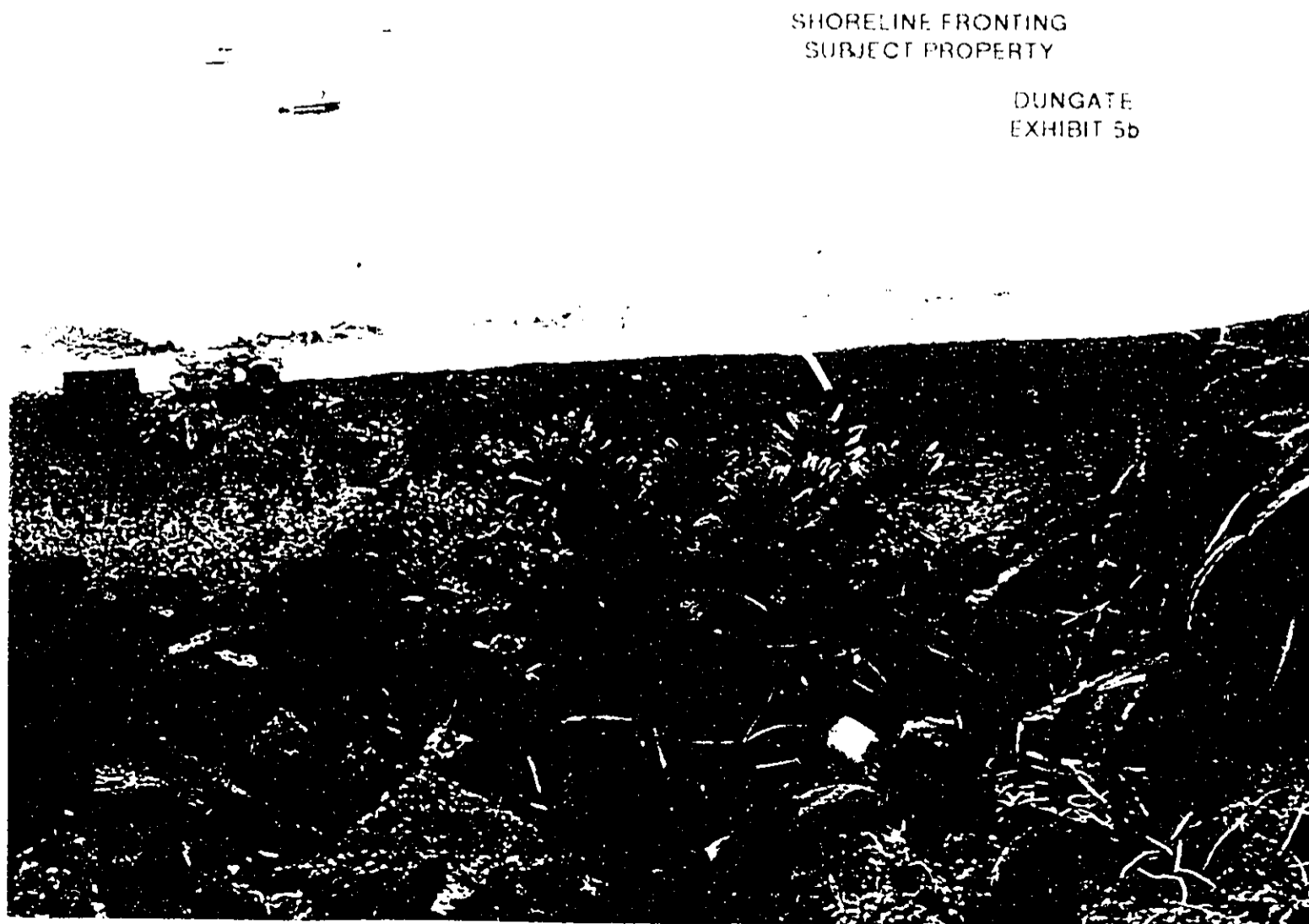
DUNGATE
EXHIBIT 5a

SUBJECT
PROPERTY



SHORELINE FRONTING
SUBJECT PROPERTY

DUNGATE
EXHIBIT 5b

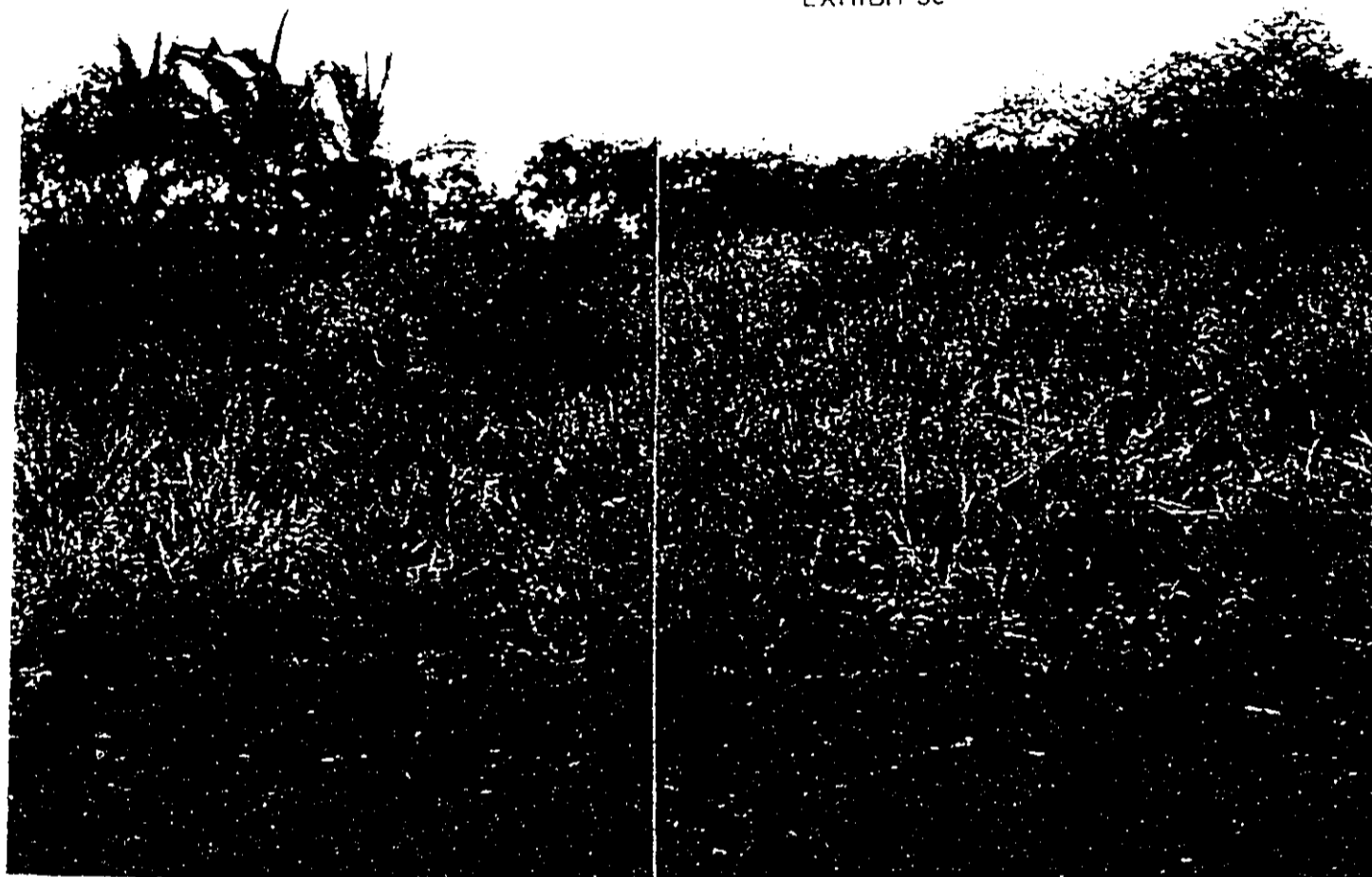


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DOCUMENT CAPTURED AS RECEIVED

SUBJECT PROPERTY
VIEW FROM MAUKA TO MAKAI

DUNGATE
EXHIBIT 5c



SUBJECT PROPERTY
VIEW FROM MAKAI TO MAUKA

DUNGATE
EXHIBIT 5d



0000 0009 1253

DOCUMENT CAPTURED AS RECEIVED

SUBJECT PROPERTY
MAUKA - NORTHEAST CORNER

DUNGATE
EXHIBIT 5e



SUBJECT PROPERTY
MAUKA - SOUTHEAST CORNER

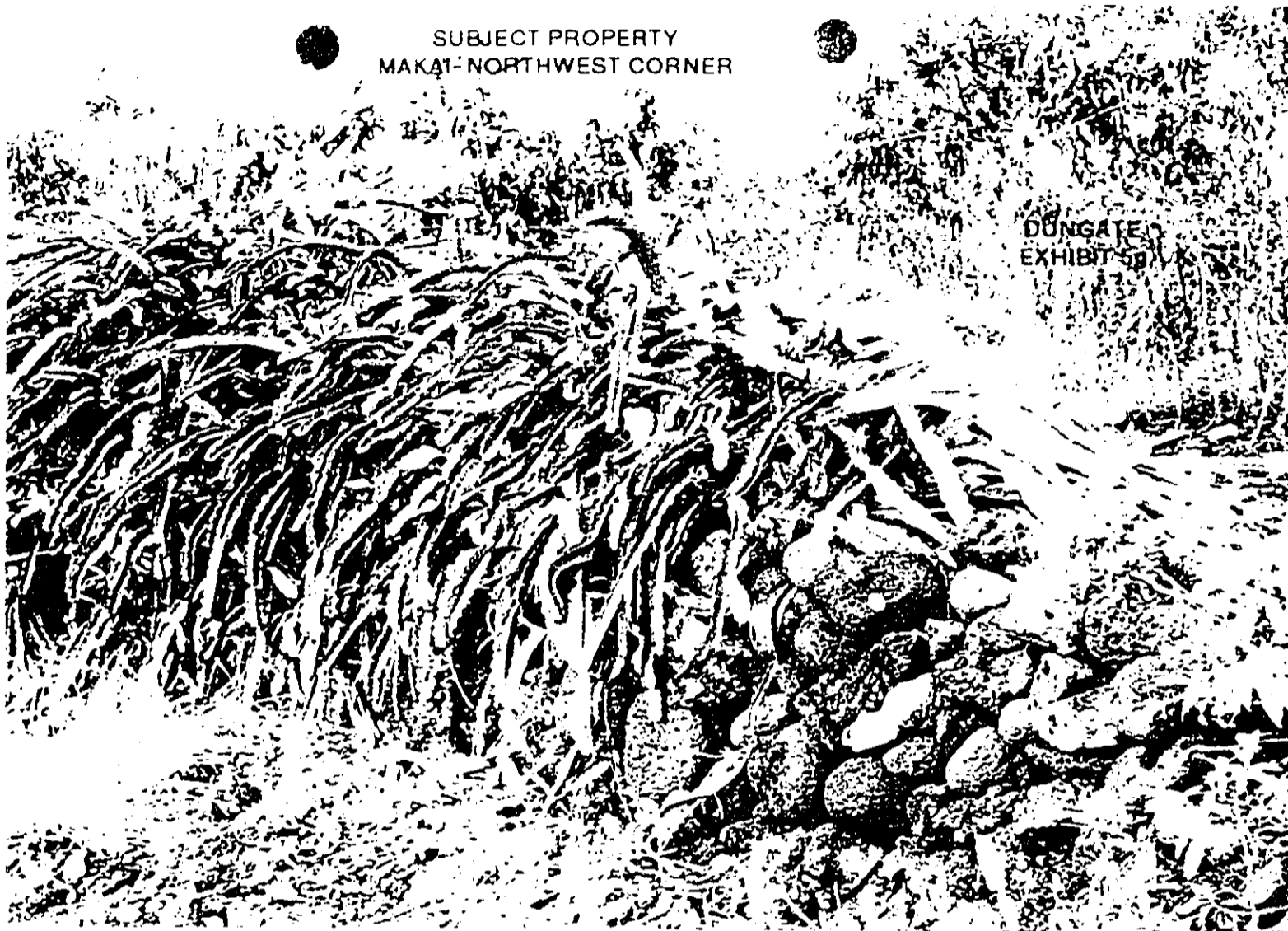
DUNGATE
EXHIBIT 5f



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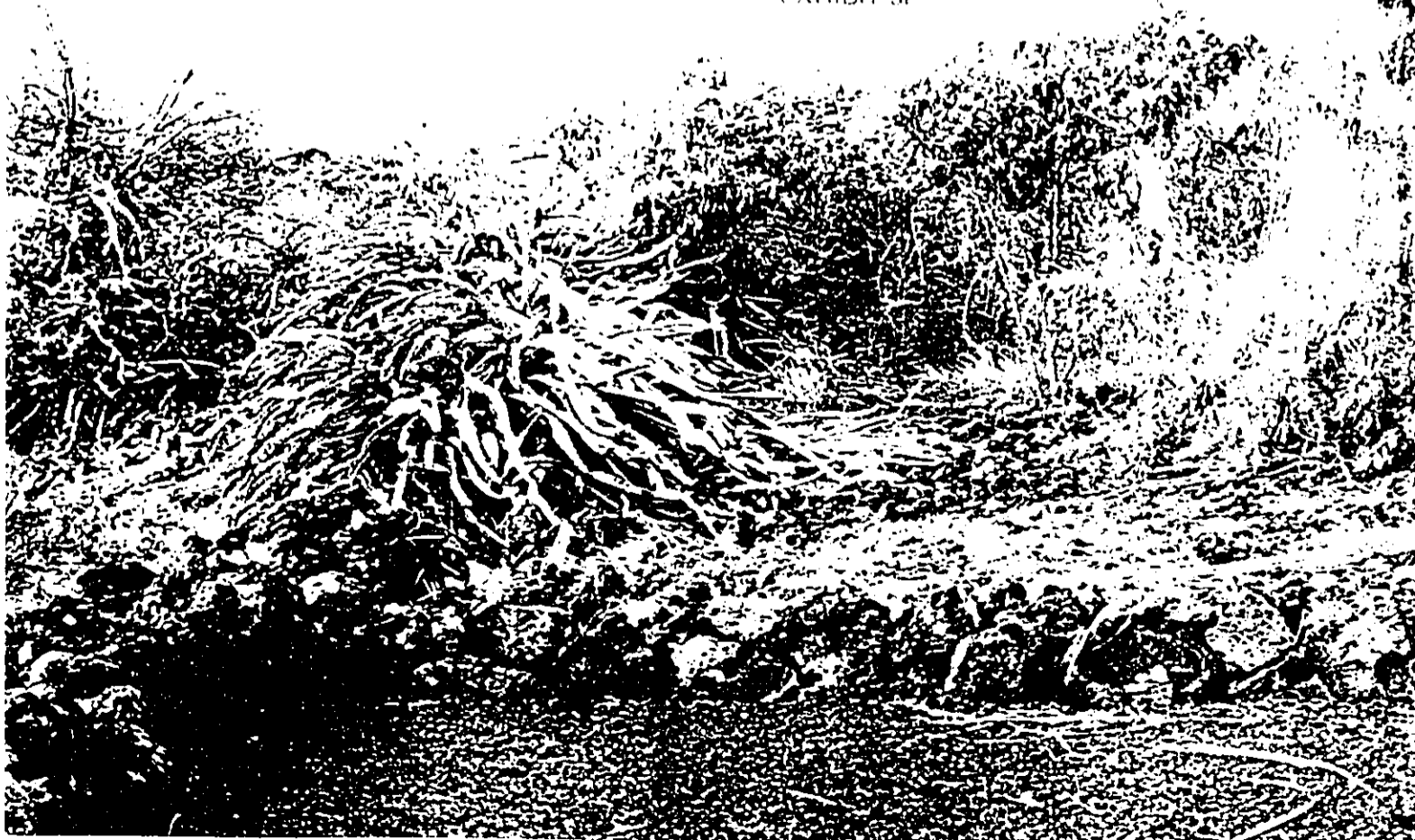
SUBJECT PROPERTY
MAKAI-NORTHWEST CORNER



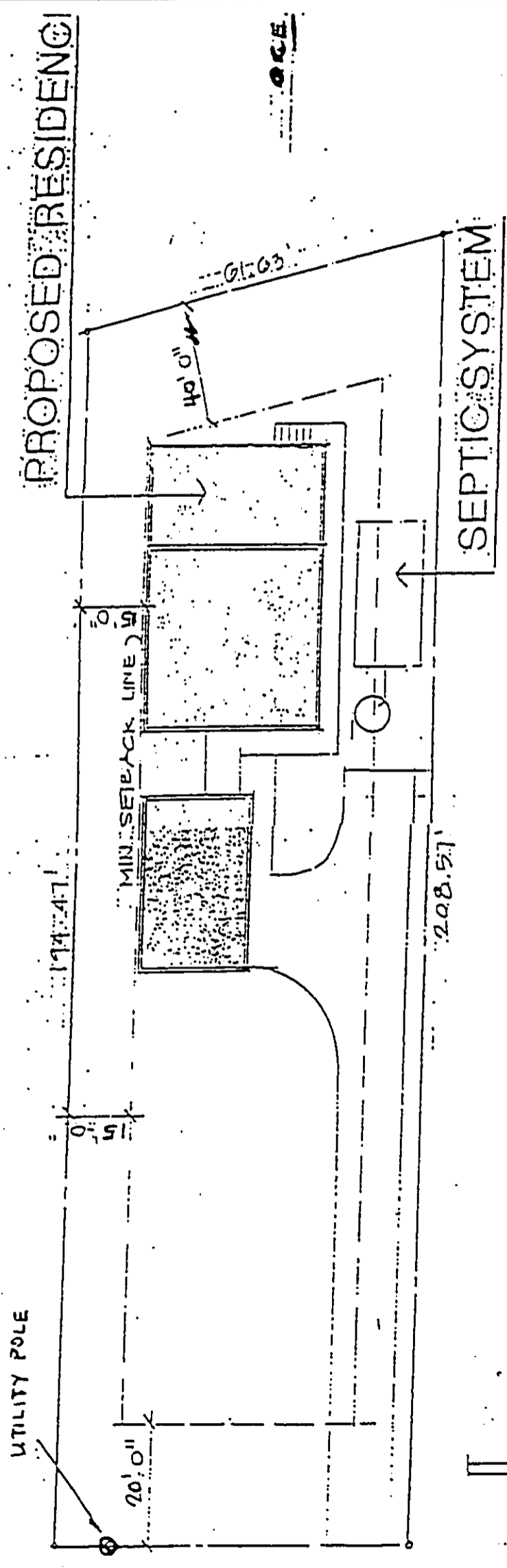
DUNGATE
EXHIBIT 5b

SUBJECT PROPERTY
MAKAI-SOUTHWEST CORNER

DUNGATE
EXHIBIT 5b



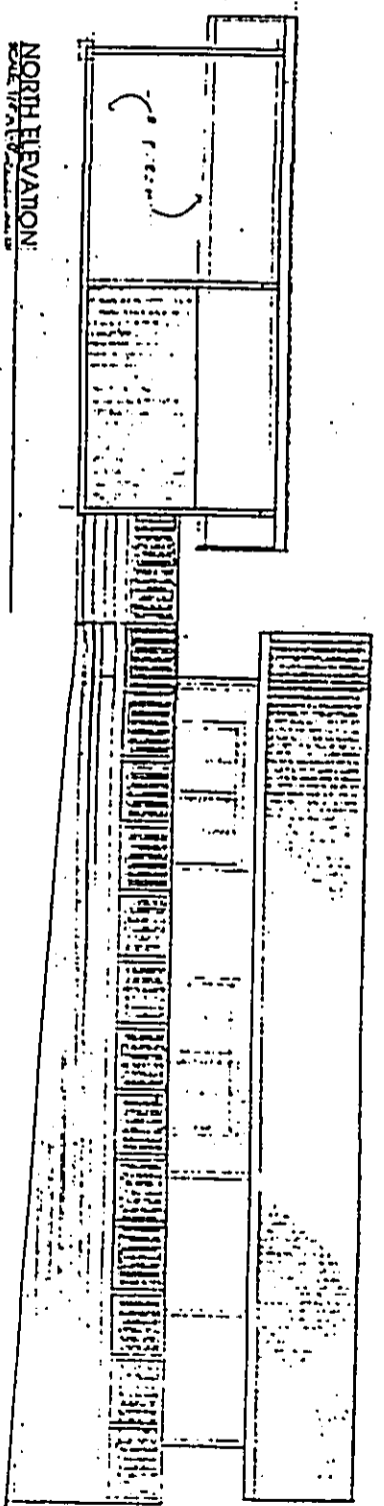
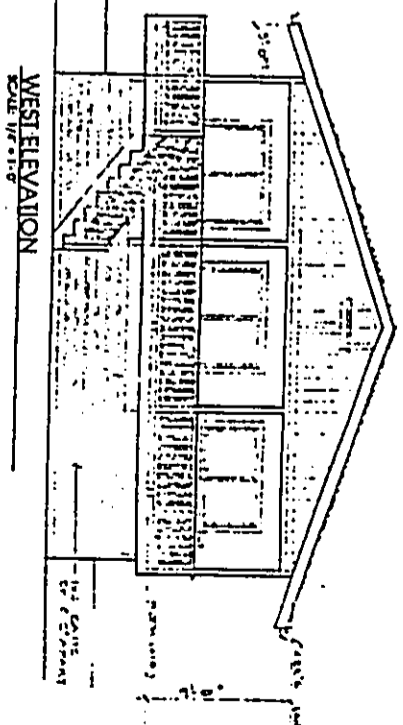
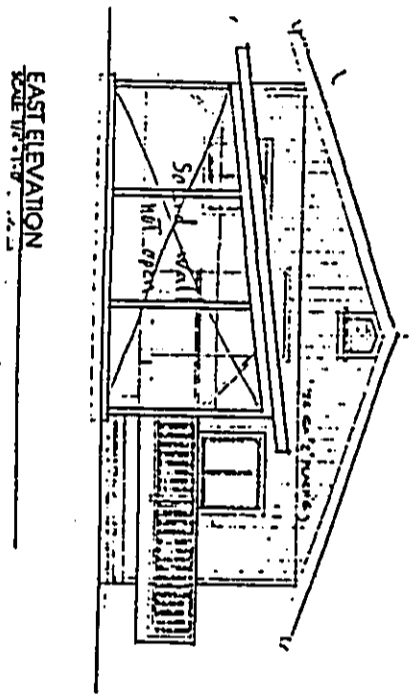
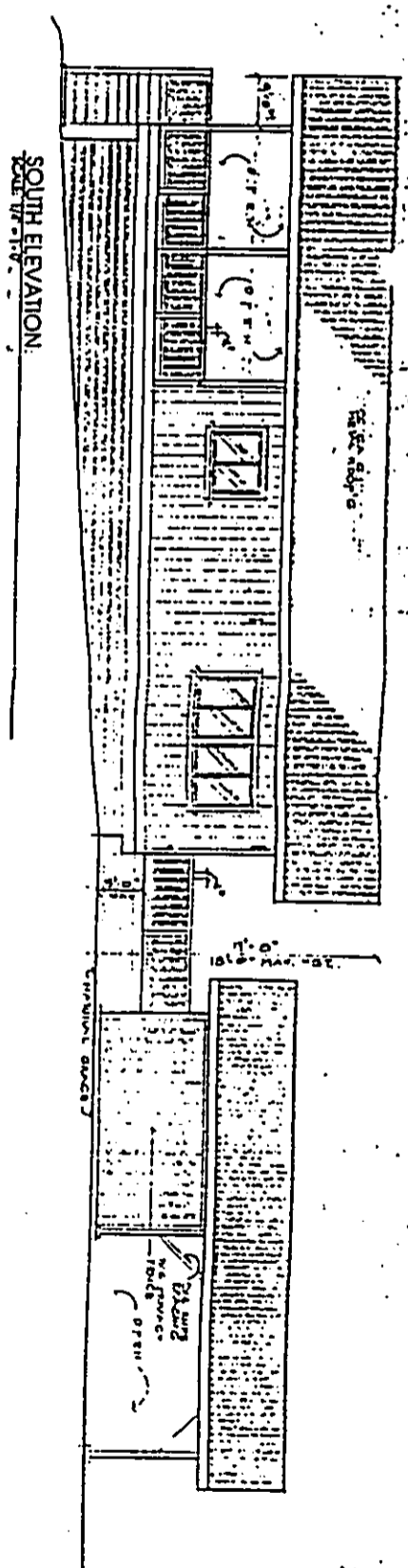
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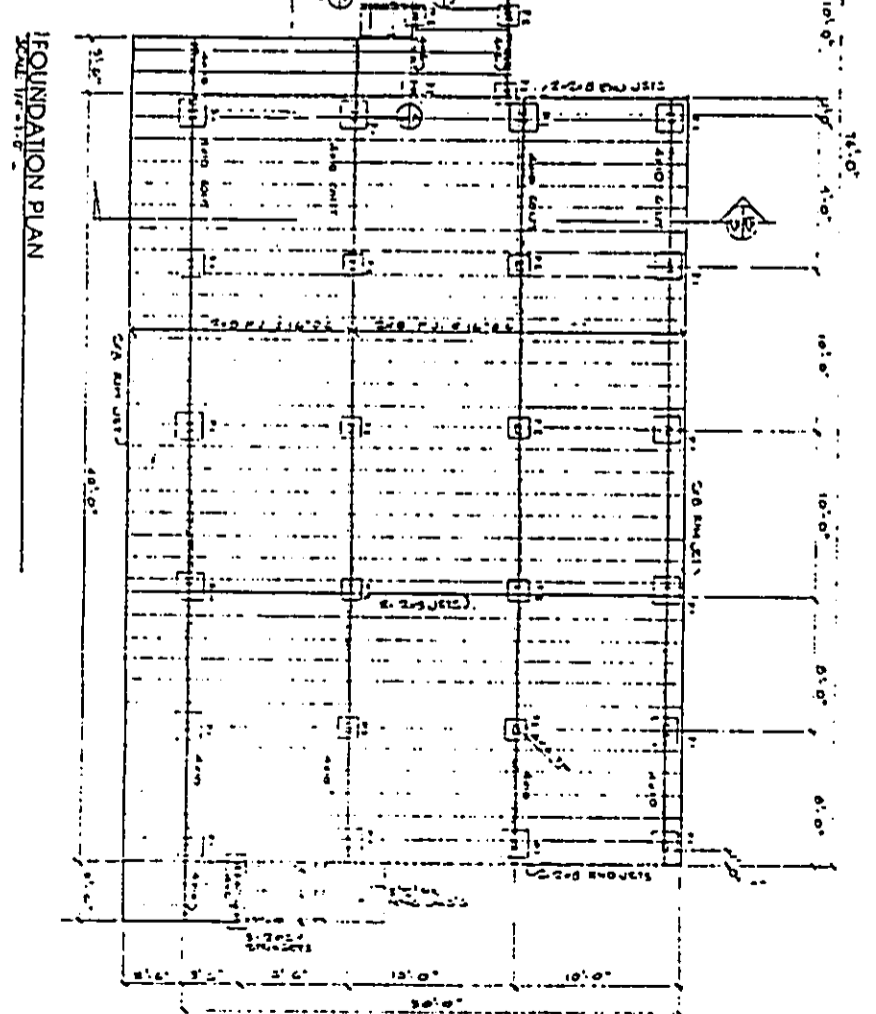
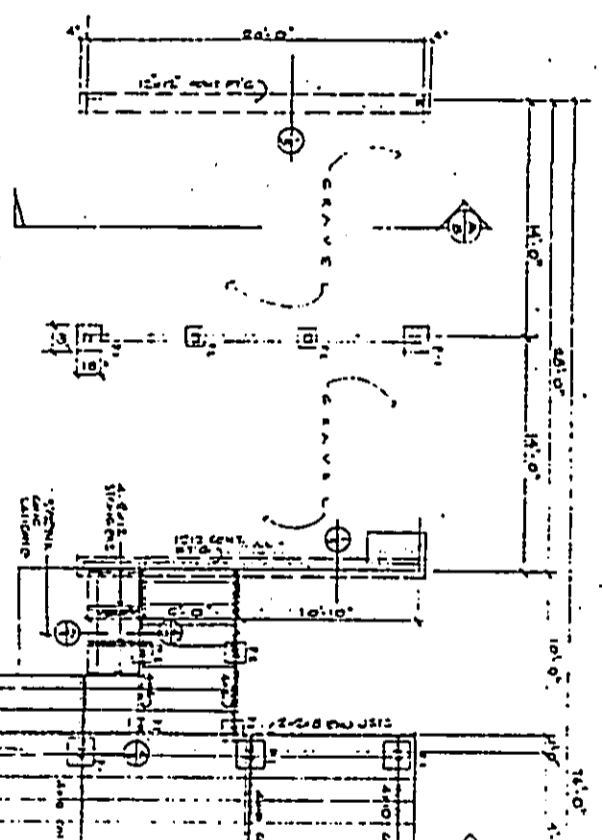
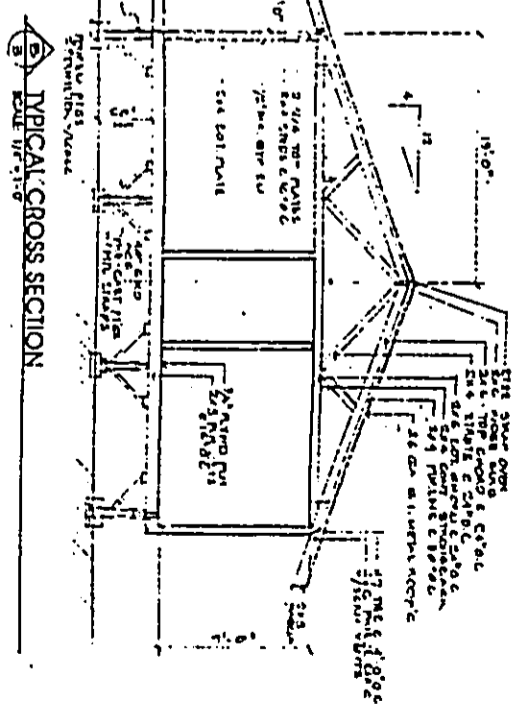
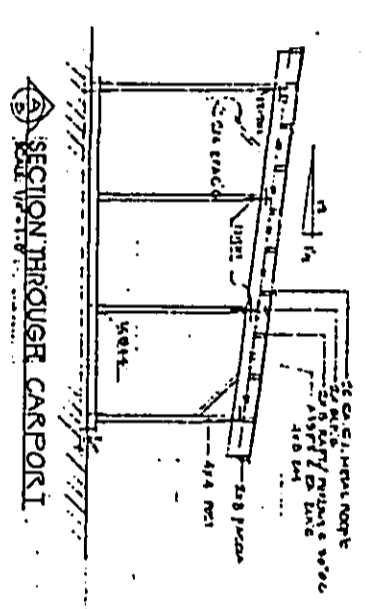
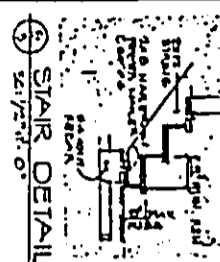
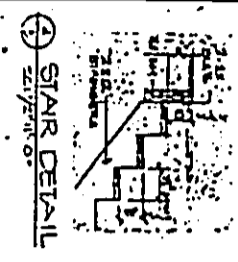
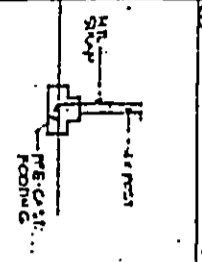
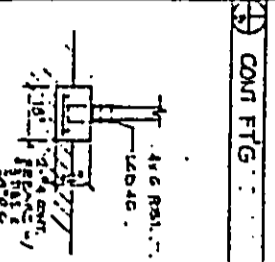
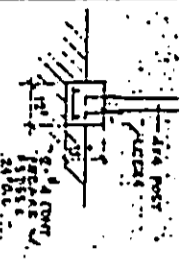
SITE PLAN

T.M.K.: B-7-19-32 LOT 329
 LOC.: KAHOE 4th, SOUTH KOHA
 AREA: 12,091.50, FT.

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NO.	DESCRIPTION	DATE
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2		

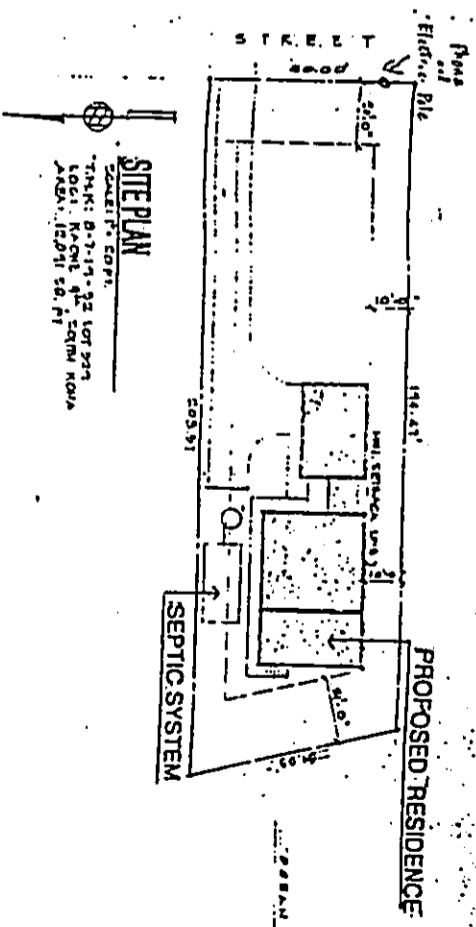


FOUNDATION PLAN

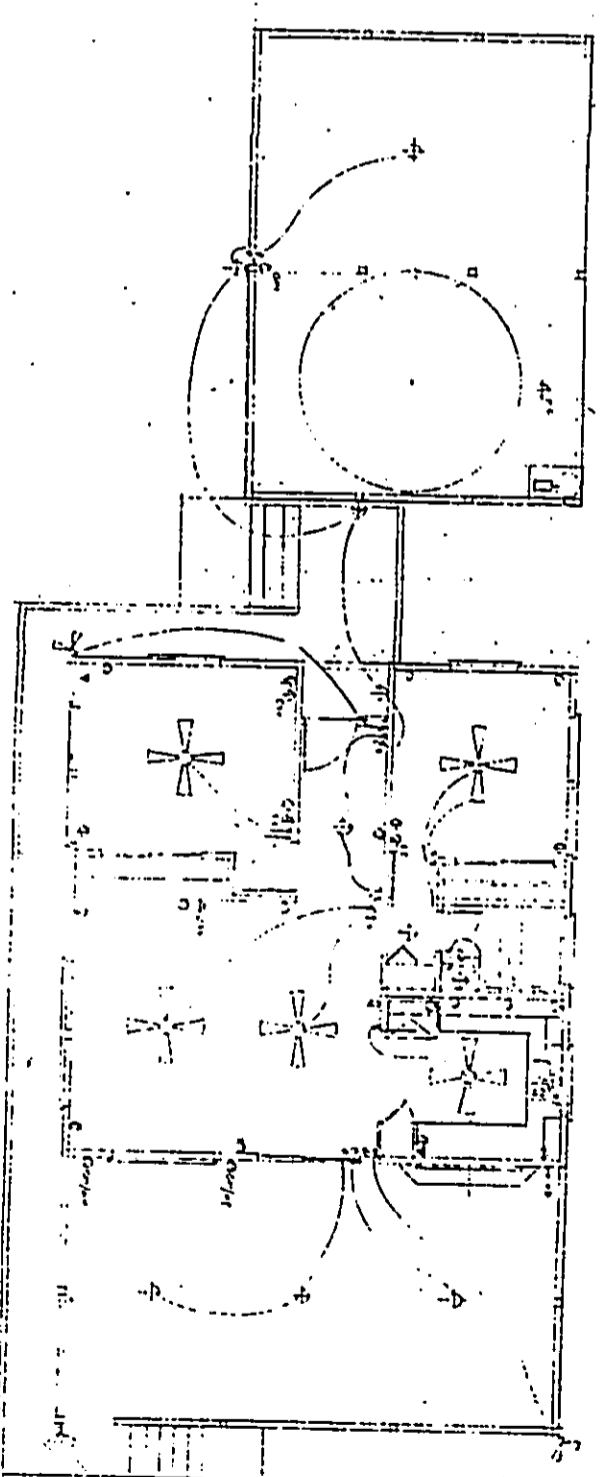
NO.	DESCRIPTION	DATE
1	FOUNDATION PLAN	12/5/80
2	SECTION THROUGH CARPORT	12/5/80
3	TYPICAL CROSS SECTION	12/5/80
4	STAIR DETAIL	12/5/80
5	STAIR DETAIL	12/5/80
6	F-1 SPOT FTG.	12/5/80
7	F-2 PRE-CAST FTG.	12/5/80
8	CONT FTG.	12/5/80

0000 0009 1260

1. General	2. Electrical
3. Mechanical	4. Plumbing
5. Heating & Cooling	6. Fire Protection
7. Security	8. Telecommunications
9. Other	10. Notes



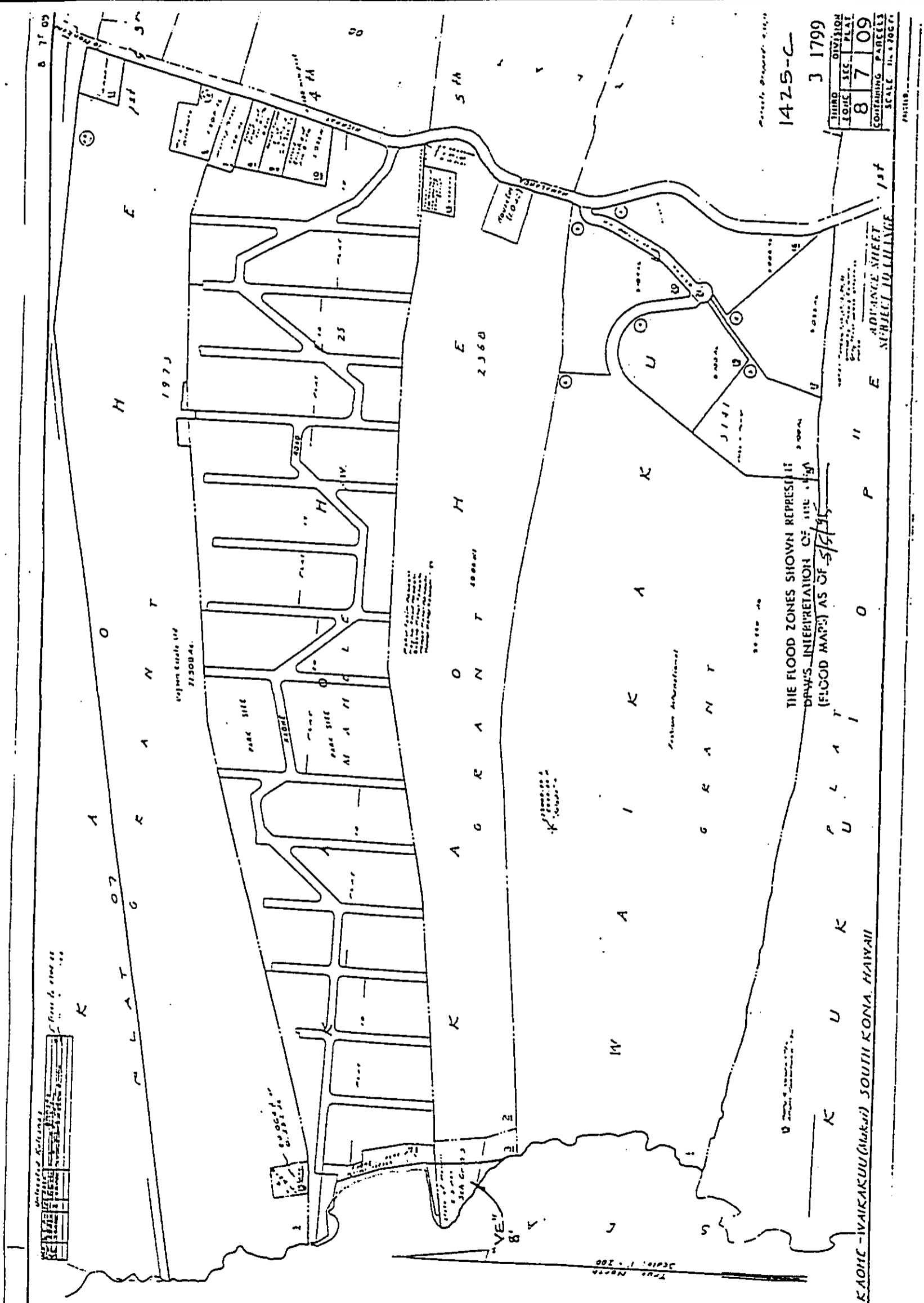
SITE PLAN
 SCALE: 1" = 40'
 DATE: 8-17-92
 LOCAL: 4' FROM ROAD
 AREA: 150,000 SQ. FT.



ELECTRICAL PLAN

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THE FLOOD ZONES SHOWN REPRESENT
 DPA'S INTERPRETATION OF THE
 (FLOOD MAP) AS OF 5/5/75

THIRD	DIVISION	3 1799
ZONE	SEC	
8	7	09
CONTAINING PARCELS		SCALE 1" = 200'

1425-C

ADVANCE SHEET
 SUBJECT TO CHANGE

KAOHI-IVAIIKAKUU (MAKUA) SOUTH KONA, HAWAII

Source: Topographic Survey & Map No. 2000
 D.S. & M. July 1975

0000 0009 1263

Stephen K. Yamashiro
Mayor



Harry Kim
Administrator
Bruce D. Butts
Assistant Administrator

County of Hawaii

CIVIL DEFENSE AGENCY

920 Ululani Street • Hilo, Hawaii 96720
(808) 935-0031 • Fax (808) 935-6460

August 19, 1997

Steven S. C. Lim
Carlsmith Ball Wichman Case & Ichiki
121 Waianuenue Avenue
Hilo, HI 96720

KONA PARADISE SUBDIVISION, LOT 329, TMK: (3) 8-7-19:32
PETER C. DUNGATE AND HAROLD V. DUNGATE

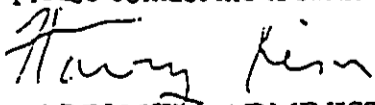
This lot is located in a coastal high-hazard area based on the following information.

1. Lot is located within the Hawaii County Civil Defense Agency's evacuation area for hazards to tsunami and possible surges from hurricanes.
2. Lot is located within the tsunami-inundation area based on its distance from the shoreline and elevation (see attached map).
3. Lot is located within possible inundation line for hurricane-caused surf and surge.

It is known that the property carries an "x" rating in the Federal Emergency Management Agency's (FEMA) flood-insurance rating map.

Please understand that this is an unstudied area and rating is not indicative of flood hazards. Unstudied areas are numerous on the Island of Hawaii and studies must be done to update flood rating maps.

Please contact me if further information is needed.


HARRY KIM, ADMINISTRATOR

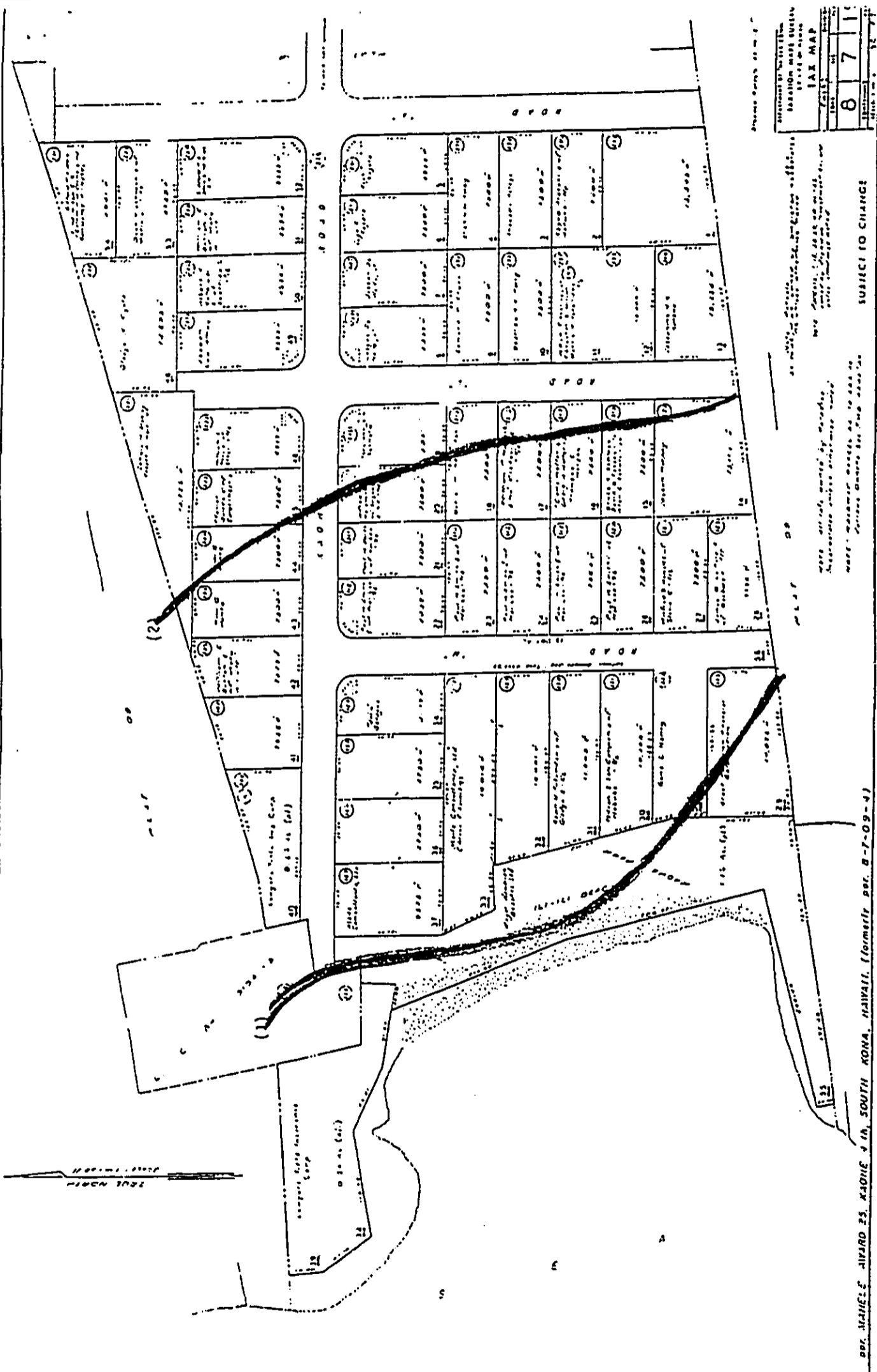
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Attachment

EXHIBIT 8C
CIVIL DEFENSE LETTER



0000 0009 1264



SOUTH KONA, HAWAII, (formerly per. B-7-09-4)

SUBJECT TO CHANGE	
DATE	
BY	
REVISION	
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(1) Estimated 40' Elevation
(2) Estimated 80' Elevation

* Based on interpretation of USG map.
(Kaulua Point Quadrangle)
Minimum evacuation area for tsunami and hurricane will be
from shoreline up to Road "M".

1722

0000 0009 1265

Stephen K. Yamashiro
Mayor



Norman Oles
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 - Hilo, Hawaii 96720-4252
(808) 961-8288 - Fax (808) 961-9615

April 20, 1995

Steven S. C. Lim, Esq.
Carlsmith Ball Wichman
Murray Case & Ichiki
Attorneys At Law
P. O. Box 686
Hilo, HI 96720

Dear Mr. Lim:

Special Management Area Use Permit Assessment
Application (SMAA 95-16)
Applicant: Peter C. Dungate & Harold V. Dungate
Proposed Single Family Residence
TMK: 8-7-19:32; Kahohe 4th, South Kona, Hawaii

We have received your SMA Assessment Application for the proposed construction of a single family residence on the subject property. The site plan delineates that the proposed residence will be located at the nearest point approximately 21 feet from the makai property boundary.

According to Planning Commission Rule 9, SMA Rules and Regulations, the definition of development does not include "construction of a single-family residence that is not part of a larger development." After reviewing your application, we have determined that the proposed dwelling is exempt from further SMA review or requirements, but subject to the requirements of the County Zoning and/or Building Codes.

The subject property abuts Ili-Ili Beach and the proposed residence is proposed to be located approximately 71 feet from the shoreline. We are uncertain as to where the actual shoreline would be certified within the beach area and whether the residence is proposed to be located at a considerable distance. Therefore, we have determined that an updated certified shoreline survey is required prior to this office approval of a Building Permit. As an alternative to a certified shoreline survey, the proposed residence could be located 40 feet mauka from the makai property boundary.

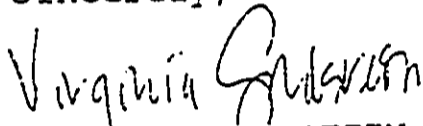
0000 0009 1266

Steven S. C. Lim, Esq.
Page 2
April 20, 1995

The proposed residence qualifies as an exempt class of action in accordance with Chapter 343, HRS, Relating to Environmental Impact Statements and Title 11, Chapter 200, Department of Health Administrative Rules.

Should you have any further questions, please feel free to contact Alice Kawaha of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

AK:dmo
llim.agk

cc: Mr. Michael D. Wilson, Chairperson-BLNR
West Hawaii Office (w/appln)
SMA Section

0000 0009 1267

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 521
HONOLULU, HAWAII 96809

SEP 21 1989

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

LIBERT K. LANGGRAF
MANABU TAGOMORI
RUSSELL M. FUKUMOTO

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Ms. Donna Y. L. Leong
Cades Schutte Fleming & Wright
P.O. Box 939
Honolulu, Hawaii 96808

Dear Ms. Leong:

SUBJECT: Request for Historic Sites Information
Keohe, South Kona, Hawaii
TMK: 8-7-19: 36 (Lot 3)

Thank you for your letter of September 13, 1989, following up on your phone conversation with Dr. Cordy of our staff. We have no records of historic sites having been on the parcel. However, since the parcel has been graded, it is highly unlikely that any significant historic sites remain. Thus, we believe that any single-family dwelling will have "no effect" on significant historic sites. You can attach a copy of this letter with your client's CDUA application to indicate that they have consulted with our office.

Sincerely yours,

RALSTON H. NAGATA
State Parks Administrator and Deputy
State Historic Preservation Officer

0000 0009 1268



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720

TELEPHONE (808) 961-8660 • FAX (808) 961-8667

October 22, 1997

Mr. Michael D. Wilson
ATTENTION: MS. LAUREN TANAKA
State of Hawaii
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

OCT 27 8 59 AM '97
DIVISION OF
LAND MANAGEMENT

CONSERVATION DISTRICT USE PERMIT APPLICATION NO. HA-2877
APPLICANT - PETER C. AND HAROLD V. DUNGATE
TAX MAP KEY 8-7-019:032

We have reviewed the subject application.

Please be informed that the subject property is not within the service limits of the Department's existing water system facilities.

The nearest Department of Water Supply's water system facility is at the end of an existing 8-inch waterline along the Mamalahoa Highway, approximately 5 miles from the property.

Should there be any questions, you can contact our Water Resources and Planning Branch at 961-8660.

Milton D. Pavao, P.E.
Manager

WA:gms

copy - Mr. Steven S.C. Lim
Messrs. Peter C. and Harold V. Dungate
Planning Department

EXHIBIT 11
AGENCY COMMENTS/
APPLICANTS' RESPONSES

DEC 02 '97 15:10 No.007 P.02

W/late l... ID:808-587-0455

DIV. IN MANAGEMENT

0000 0009 1269

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

121 WAIANUENUE AVENUE

POST OFFICE BOX 686

HILO, HAWAII 96721-0686

TELEPHONE (808) 935-6644

FAX (808) 935-7975

December 19, 1997

Mr. Milton Pavao
Manager
Department of Water Supply
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Applicant: Peter C. Dungate and Harold V. Dungate
Draft Environmental Assessment ("DEA") for Construction of a Single-Family
Residence and Related Improvements
Kaohe 4th, South Kona
Tax Map Key No.: (3) 8-7-19:32

Dear Mr. Pavao:

Thank you for reviewing the draft environmental assessment for the Dungate family's conservation district use application for the construction of a single-family residence and related improvements at Kaohe 4th, South Kona.

The residence will be serviced by private water catchment and wastewater treatment system meeting with all applicable State and County regulations.

We appreciate your comments on the Dungate family's draft environmental assessment. Your letter and this response will be appended to the final environmental assessment to ensure a document that adequately addresses pertinent development and environmental issues.

Very truly yours,

CARLSMITH BALL WICHMAN
CASE & ICHIKI


Steven S.C. Lim

SSL:KYL
xc: Office of Environmental & Quality Control
Hawaii County Planning Department
Mr. Peter C. Dungate

0000 0009 1270

BENJAMIN J. CAYREANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

October 20, 1997

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

RESOURCES ENFORCEMENT

CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION

LAND DIVISION

STATE PARKS

WATER AND LAND DEVELOPMENT

MEMORANDUM

LOG NO: 20289 ✓
DOC NO: 9710PM03

TO: Dean Uchida, Administrator
Land Division

FROM: Don Hibbard, Administrator
State Historic Preservation Division

SUBJECT: File No. HA-2877. Conservation District Use Application
Applicant: Peter C. Dungate and Harold V. Dungate Request:
Construction of a Single-Family Residence and
Related Improvements
Ka'ohe 4, South Kona, Hawaii Island
TMK: 8-7-19:32

The description and photographs of the subject property indicate that it has been previously graded, thus making it highly unlikely that any significant historic sites would remain. Thus, we believe that the proposed construction of a single family residence will have "no effect" on significant historic sites.

NM:amk

RECEIVED
DIVISION OF
LAND MANAGEMENT
OCT 27 8 55 AM '97

0000 0009 1271

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii

October 6, 1997

REF:PB:LT

File No.: HA-2877
Suspense Date: 10/24/97

RECEIVED
DIVISION OF
LAND MANAGEMENT
97 OCT 7 11 40 AM '97
DEPT OF WATER
LAND DEVELOPMENT

MEMORANDUM

TO: Aquatic Resources; Conservation and Resources
Enforcement; Forestry and Wildlife/NARS
Historic Preservation; State Parks; Commission on
Water Resource Management; Land - Hawaii District
Land Office and Engineering Branch

FROM: Dean Uchida, Administrator
Land Division *[Signature]*

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Permit (CDUP) Application
#HA-2877

APPLICANT: Peter C. Dungate and Harold V. Dungate
75-5491-G Mamalahoa Hwy.
Holualoa, Hawaii 96725

AGENT: Steven S.C. Lim, Attorney-at-Law
121 Waiuanue Avenue
Hilo, Hawaii 96720

REQUEST: Construction of a Single Family Residence and
Related Improvements

LOCATION/
TMK: South Kona, Hawaii
8-7-19: 32

PUBLIC HEARING: Yes _____ No X

Attached is an application for a CDUP, an environmental assessment prepared for the proposed action, and a copy of our notice of acceptance for processing the application.

DOCARE: Please conduct a field inspection on the proposed project.

We would appreciate your review and comments by the suspense date. Should you require additional time or information, please call Lauren Tanaka at 587-0385, Planning Branch of the Land Division.

(X) Comments Attached

Attachments

Signed: *[Signature]*
Chief Engineer

Date: 10-16-97

0000 0009 1272

COMMENTS

We confirm that the proposed project site is located in Zone X (unshaded). This is an area determined to be outside the 500-year flood plain.

0000 0009 1273

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii

October 6, 1997

REF:PB:LT

File No.: HA-2877
Suspense Date: 10/24/97

15	DIVISION OF AQUATIC RESOURCES
16	DIVISION OF FORESTRY AND WILDLIFE
17	DIVISION OF HISTORIC PRESERVATION
18	DIVISION OF LAND MANAGEMENT
19	DIVISION OF PLANNING
20	DIVISION OF STATE PARKS
21	DIVISION OF WATER RESOURCE MANAGEMENT
22	DIVISION OF ENGINEERING
23	SECRETARY
24	RECORDS
25	TRAINING
26	ADMINISTRATIVE SERVICES
27	GENERAL INVESTIGATIVE DIVISION
28	OFFICE OF THE ATTORNEY GENERAL
29	OFFICE OF THE COMPTROLLER
30	OFFICE OF THE DEPARTMENT CLERK
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32	OFFICE OF THE GENERAL MANAGER
33	OFFICE OF THE INSPECTOR GENERAL
34	OFFICE OF THE JUDGE
35	OFFICE OF THE PROSECUTOR GENERAL
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MEMORANDUM

TO: Aquatic Resources; Conservation and Resources Enforcement; Forestry and Wildlife/NARS/Na Ala Hele; Historic Preservation; State Parks; Commission on Water Resource Management; Land - Hawaii District Land Office and Engineering Branch

FROM: Dean Uchida, Administrator
Land Division *[Signature]*

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Permit (CDUP) Application #HA-2877

APPLICANT: Peter C. Dungate and Harold V. Dungate
75-5491-G Mamalahoa Hwy.
Holualoa, Hawaii 96725

RECEIVED
OCT 08 1997

AGENT: Steven S.C. Lim, Attorney-at-Law
121 Waiianucue Avenue
Hilo, Hawaii 96720

Div. of Aquatic Resources

REQUEST: Construction of a Single Family Residence and Related Improvements

LOCATION/TMK: South Kona, Hawaii
8-7-19: 32

PUBLIC HEARING: Yes _____ No X

Attached is an application for a CDUP, an environmental assessment prepared for the proposed action, and a copy of our notice of acceptance for processing the application.

DOCARE: please conduct a field inspection on the proposed project.

We would appreciate your review and comments by the suspense date. Should you require additional time or information, please call Lauren Tanaka at 587-0385, Planning Branch of the Land Division.

Attachments *[Signature]*
Comments Attached

10-21-97

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SUSPENSE DATE: Tuesday October 24, 1997

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: William Devick, Acting Administrator *WD*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Application HA-2877

Comments Requested By: Dean Uchida - Land Division

Date of Request: 10/6/97

Date Received: 10/8/97

Summary of Project

Title: Single Family Residence

Proj. By: Peter & Harold Dungate

Location: Kona Paradise Subdivision, Kaohē 4th, South Kona, Hawaii

Brief Description:

The applicant proposes to construct a one-story single family dwelling with related improvements on a shoreline parcel fronting "Ili-Ili Beach" at the Kona Paradise Subdivision S. Kona, Hawaii.

Comments:

Significant long-term impacts adverse to aquatic resource values are not expected from the proposed single family dwelling. However, any traditional or existing public access to and along the shoreline should be maintained.

Further, precautions shall be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into Honomalino Bay.

Richard Sixberry
Aquatic Biologist

0000 0009 1275

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

121 WAIANUENUE AVENUE

POST OFFICE BOX 686

HILO, HAWAII 96721-0686

TELEPHONE (808) 935-6644

FAX (808) 935-7975

December 19, 1997

Mr. Dean Uchida
Administrator
Department of Land & Natural Resources
State Historic Preservation Division
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

Re: Applicant: Peter C. Dungate and Harold V. Dungate
Draft Environmental Assessment ("DEA") for Construction of a Single-Family
Residence and Related Improvements
Kaohe 4th, South Kona
Tax Map Key No.: (3) 8-7-19:32

Dear Mr. Uchida:

Thank you for reviewing the draft environmental assessment for the Dungate family's conservation district use application for the construction of a single-family residence and related improvements at Kaohe 4th, South Kona.

Although the Property at its makai edge shares a common boundary with Ili-Ili Beach, pedestrian and vehicular access to the shoreline is secured approximately 300 feet north of the Property.

The modest scope of the proposed improvements which are proposed to be located 40 feet inland of the Property's makai boundary, or approximately 90 feet inland of the shoreline, are not expected to contribute to any environmental concerns, or cause adverse environmental impacts such as debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing, blowing or leaching into Honomalino Bay.

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Mr. Dean Uchida
December 19, 1997
Page 2

We appreciate comments from the Department of Land and Natural Resources' Historic Preservation Division, Engineering Branch and Division of Aquatic Resources. Your letters and this response will be appended to the final environmental assessment to ensure a document that adequately addresses pertinent development and environmental issues.

Very truly yours,

CARLSMITH BALL WICHMAN
CASE & ICHIKI


Steven S.C. Lim

SSL:KYL

xc: Office of Environmental & Quality Control
Hawaii County Planning Department
Mr. Peter C. Dungate

0000 0009 1277

W

Stephen K. Yamashiro
Mayor



RECEIVED
DIVISION OF
LAND MANAGEMENT
Nov 7 9 16 AM '97

Virginia Gold
Director
Russell Koku
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

November 4, 1997

Mr. Michael D. Wilson, Director
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Wilson:

Conservation District Use Permit Application #HA-2877
Applicants: Peter C. and Harold V. Dungate
Request: Construction of a One Story Single Family Dwelling, Lanai, Walkway,
Garage, Water Catchment facility and Landscaping
TMK: 8-7-19: 32: Kona Paradise Subdivision, Kahohe 4th, South Kona, Hawaii

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

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Thank you for your letter dated October 9, 1997, transmitting a copy of the above-described application for our review and comment.

Our initial review of the proposed construction of a single family dwelling on this property occurred in 1995 with the submittal of a Special Management Area Use Permit Assessment Application (SMAA 95-16). By letter dated April 20, 1995, we informed the applicant that the proposed single family dwelling construction is exempt from the requirements of Planning Commission Rule No. 9 regarding the Special Management Area. This exemption from the requirements of the SMA was subject to the construction of the single family dwelling at a distance of at least 40 feet mauka of its makai property boundary. According to plans submitted with the CDUP application, the proposed improvements are consistent with this setback requirement. Therefore, we have no objections to the construction of the dwelling as represented with the CDUP application. A copy of our April 20, 1995 letter was included as part of the CDUP application.

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Mr. Michael D. Wilson, Director
Page 2
November 4, 1997

Should there be any questions regarding this matter, please feel free to contact Daryn Arai of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

DSA:jkg
f:\wp60\czm\smua\1997\LDuagn01.cdp

xc: West Hawaii Office

0000 0009 1279

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

121 WAIANUENUE AVENUE

POST OFFICE BOX 686

HILO, HAWAII 96721-0686

TELEPHONE (808) 935-6644

FAX (808) 935-7975

December 19, 1997

Ms. Virginia Goldstein
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Applicant: Peter C. Dungate and Harold V. Dungate
Draft Environmental Assessment ("DEA") for Construction of a Single-Family
Residence and Related Improvements
Kaohe 4th, South Kona
Tax Map Key No.: (3) 8-7-19:32

Dear Ms. Goldstein:

Thank you for reviewing the draft environmental assessment for the Dungate family's conservation district use application for the construction of a single-family residence and related improvements at Kaohe 4th, South Kona. We appreciate your comments. Your letter and this response will be appended to the final environmental assessment to ensure a document that adequately addresses pertinent development and environmental issues.

Very truly yours,

CARLSMITH BALL WICHMAN
CASE & ICHIKI


Steven S.C. Lim

SSL:KYL

xc: Office of Environmental & Quality Control
Hawaii County Planning Department
Mr. Peter C. Dungate

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LD

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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

RECEIVED
DIVISION OF
LAND MANAGEMENT

Nov 7 9 15 AM '97

LAWRENCE M.
DIRECTOR OF HEALTH

In reply, please refer to

November 3, 1997

97-233/epo

TO: The Honorable Michael Wilson, Chairperson
Department of Land and Natural Resources

FROM: Lawrence Mlike *Lawrence Mlike*
Director of Health

SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION

Applicant: Peter C. Dungate and Harold V. Dungate
File No: HA-2877
Request: Construction of a single family residence and related improvements
Location: Kaohae 4th, South Kona, Hawaii
Tax Map Key: (3) 8-7-19: 32

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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RECEIVED

Thank you for allowing us to review and comment on the subject application. We have the following comments to offer:

Wastewater Branch

It has been determined that the subject project is not located within the County sewer service system. The subject project is located in the critical wastewater disposal area as determined by the Hawaii County Wastewater Advisory Committee. No new cesspools will be allowed in the subject area. The Department of Health requires that a treatment individual wastewater system (IWS) such as a septic tank be constructed on site.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Should you have any questions regarding this matter, please contact Ms. Lori Kajiwara of the Wastewater Branch at 586-4294.

c: WWB

0000 0009 1281

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

121 WAIANUENUE AVENUE

POST OFFICE BOX 686

HILO, HAWAII 96721-0686

TELEPHONE (808) 935-6644

FAX (808) 935-7975

December 19, 1997

Mr. Lawrence Miike
Director of Health
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

Re: Applicant: Peter C. Dungate and Harold V. Dungate
Draft Environmental Assessment ("DEA") for Construction of a Single-Family
Residence and Related Improvements
Kaohe 4th, South Kona
Tax Map Key No.: (3) 8-7-19:32

Dear Mr. Miike:

Thank you for reviewing the draft environmental assessment for the Dungate family's conservation district use application for the construction of a single-family residence and related improvements at Kaohe 4th, South Kona.

Any additional wastewater disposal will be served by a private wastewater treatment system meeting with all applicable State and County regulations.

We appreciate your comments. Your letter and this response will be appended to the final environmental assessment to ensure a document that adequately addresses pertinent development and environmental issues.

Very truly yours,

**CARLSMITH BALL WICHMAN
CASE & ICHIKI**


Steven S.C. Lim

SSL:KYL

xc: Office of Environmental & Quality Control
vHawaii County Planning Department

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