



STATE OF HAWAII  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 LAND DIVISION  
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AQUACULTURE DEVELOPMENT PROGRAM  
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 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 OFFICE OF ENVIRONMENTAL QUALITY CONTROL

MEMORANDUM

To: Genevieve Salmonson, Director  
 Office of Environmental Quality Control

From: Dean Y. Uchida, Administrator *YU*

Subject: Final Environmental Assessment (FEA) and Finding Of No Significant Impact (FONSI) For The Proposed Zivalic Single Family Residence, Kona Paradise, South Kona, Hawaii, TMK: 8-7-19:40

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on November 23, 1999 for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the March 8, 2000 OEQC Environmental Notice.

We understand that the consultant has directly E-Mailed to the OEQC a completed OEQC Bulletin Publication Form. We have enclosed four copies of the Final EA for the project. Please contact staff planner Ed Henry of our Land Divisions's Planning Branch at 587-0380, if you have any questions.

Enclosures

c.c. Mr. Ron Terry, Ph.D

MAR - 8 2000

**FILE COPY**

2000-03-08-HI-FEA-

**FINAL ENVIRONMENTAL ASSESSMENT**  
**(ZIVALIC SINGLE-FAMILY HOME)**

TMK (3rd): 8-7-19:40  
Ka'ohē 4<sup>th</sup>, South Kona, Hawaii Island, State of Hawaii

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DIVISION OF  
LAND MANAGEMENT  
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February 2000

Prepared for:

Hawaii State Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, Hawaii 96809

**FINAL ENVIRONMENTAL ASSESSMENT**

**ZIVALIC SINGLE-FAMILY HOME**

TMK (3rd) 8-7-19:40  
Ka'ohē 4th, South Kona District, Island of Hawaii, State of Hawaii

**APPLICANT:**

Paul Zivalic  
C/o Gregory R. Mooers  
P.O. Box 1101  
Kamuela, Hawaii 96743

**ACCEPTING  
AUTHORITY:**

Hawaii State Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, Hawaii 96809

**CONSULTANT:**

Ron Terry Ph.D.  
HC 2 Box 9575  
Keaau, Hawaii 96749

**CLASS OF ACTION:**

Action in Conservation District

This document is prepared pursuant to:  
the Hawaii Environmental Protection Act,  
Chapter 343, Hawaii Revised Statutes (HRS), and  
Title 11, Chapter 200, Hawaii Department of Health Administrative Rules (HAR).

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## SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

### Project Summary

The project consists of construction of a single-family home on a 0.24 acre lot that lies within the Conservation District at the makai end of Kona Paradise subdivision, about 250 feet mauka of the shoreline. Associated improvements include a garage, water tank, landscaping, and an Individual Wastewater System. The cost of the improvements is about \$125,000, and all funding is private (no public funds are involved).

### Short Term Impacts

*Construction Impacts:* Landclearing and construction activities will produce short-term impacts to noise, air quality, access and scenery. In order to ensure that construction-related damage to the land and adjacent ocean is avoided or minimized, the following mitigation measure is proposed as a condition to the Conservation District Use Permit:

*1. Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; 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.*

### Long Term Impacts

In general, no sensitive biological, hydrological, archaeological or other important resources are present and no adverse long-term impacts are expected to result from the project. A portion of the Ala Kahakai trail, which extends as a walking trail around the island near the coast and may soon be included in National Historic Trails system, occupies the makai edge of the parcel. The following mitigation measures are proposed as conditions to the Conservation District Use Permit:

*2. If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.*

*3. The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.*

## **PART 1: PROJECT DESCRIPTION**

### **1.1 Project Description and Location**

The project, a single-family home and associated improvements, would occur on a 0.24 acre lot identified by TMK (3<sup>rd</sup>) 8-7-19:40, that lies within the Conservation District (Figs. 1-2). The lot is situated within the Kona Paradise subdivision, which was created in 1959 and stretches between the Hawaii Belt Road and the shoreline in the ahupua`a of Ka`ohe 4<sup>th</sup>. The subdivision is now a well-established residential neighborhood. The proposed home would be located near the makai end of the subdivision, across the street and several properties mauka (inland) from the area known as Pebble Beach (Fig. 3).

The proposed house would consist of 2,520 square feet (sf) occupying two stories, with five bedrooms and four and a half baths. In addition, a garage and water tank would take up 786 sf. (Fig. 4). The landowner would install landscaping, an Individual Wastewater System in conformance with Hawaii State Department of Health regulations. The project also includes, per request from the Hawaii State Division of Forestry and Wildlife Na Ala Hele Program (Na Ala Hele), surveying and deeding to Na Ala Hele of a 10-foot wide alignment on the western boundary of the parcel. The applicant would also register this with the Bureau of Conveyance. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment. The approximate cost of all improvements is \$125,000, and all funding is private (no public funds are involved).

### **1.2 Summary of Regulatory Requirements**

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawaii Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawaii Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawaii. 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. Part 5 lists these criteria and the findings made by the applicant in consultation with the State of Hawaii Department of Land and Natural Resources for this project.

Accordingly, if a study concludes that no significant impacts would occur from implementation of the proposed action, a Finding of No Significant Impact (FONSI) will be prepared and an action will be permitted to occur. If the study finds that significant impacts are expected to occur as a result of a proposed action, then an Environmental Impact Statement (EIS) will be prepared. Section 4 presents the finding for this project.

1.3 Public Involvement and Agency Coordination

The following agencies, organizations and individuals have been consulted during the Environmental Assessment Process:

County:

Planning Department

Department of Water Supply

State:

Department of Land and Natural Resources, Historic Preservation Division  
Department of Land and Natural Resources, Na Ala Hele Program  
Office of Hawaiian Affairs

Private:

Kona Outdoor Circle  
Sierra Club  
Leroy and Elvine Victorine  
Carol Killian

Copies of communications received during preconsultation are contained in Appendix 1A. Notice of the availability of the Draft EA was published by the Hawaii State Office of Environmental Quality Control (OEQC) in the *Environmental Notice* of 23 November 1999. This initiated a 30-day comment period during which the public was invited to respond to the Draft EA with comments or questions. Seven comment letters were received. These letters and the responses to them are included in Appendix 1B. The Final EA was revised in Section 3.3.2 to reflect the finalized mitigation measure for preservation and enhancement of the trail based on an agreement with DLNR-Na Ala Hele and a recommendation for native plant landscaping from OEQC.

## **PART 2: ALTERNATIVES**

### **2.1 Proposed Project**

The proposed project is described in Section 1.1 above and illustrated in Figures 1-4.

### **2.2 No Action**

Under the No Action Alternative, the property would remain vacant. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

No other Alternatives have been considered by Mr. Zivalic or are addressed in this EA.

## **PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES**

### **3.1 Basic Geographic Setting**

The project site is a slightly sloping area, 0.24 acres in extent, on which evidence of former grading and fill are evident. A moderately dense cover of weedy shrubs covers the entire lot (Fig. 3). The project site is near the makai end of the subdivision, across the street and removed about 250 feet from the shoreline at Pebble Beach. The lot is directly makai of one existing home, and across the street from another. Two buildable lots (one on which the owner is actively preparing to build) are situated between Mr. Zivalic's lot and the shoreline, and thus no shoreline frontage is involved. The site varies from approximately 40-50 feet above sea level. The surface geology consists of lava flows from Mauna Loa dated between 1.5 and 3 ka (Wolfe and Morris 1996). Soil is minimal and the area is classified as Lava, 'A'a Flows (virtually no soil). The ground is highly permeable, and runoff and soil erosion hazard are minimal. (U.S. Soil Conservation Service 1973). Annual rainfall averages approximately 45 inches (U.H. Hilo-Geography 1998:57).



## 3.2 Physical Environment

### 3.2.1 Drainage, Flooding and Hazards

#### *Environmental Setting*

The project site is designated "X", defined as areas outside the 500 year flood plain, on the Flood Insurance Rate maps (FIRM) (No panel printed). Maps printed by the Hawaii County Civil Defense Agency locate the parcel in the area that should be evacuated during a tsunami warning.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 2 (on a scale of ascending risk 9 to 1). Zone 2 "consists of areas on both sides of the northeast and southwest rift zones" (Heliker 1990). About 20 percent of Zone 2 areas have been covered by lava flows since 1800, and about 5 percent since 1950. The 1950 lava flow is adjacent to the Kona Paradise Subdivision to the north and was responsible for creating the Pebble Beach at the foot of the subdivision. As such, there is a considerable risk of lava inundation over relatively short time scales.

In terms of seismic risk, the entire Island of Hawaii is rated Zone 4 Seismic Probability Rating (Uniform Building Code, Appendix Chapter 25, Section 2518). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built.

#### *Impacts and Mitigation Measures*

In general, geologic and drainage conditions impose no substantial constraints on the project. All structures associated with the proposed home would conform to the Uniform Building Code. Although the project is located in an area exposed to a certain amount of hazard from lava flows and earthquake, the project presents no additional hazard to the public. Landowners and residents of high-hazard lava inundation areas have been made aware of the potential and accept the risk when they purchase and/or inhabit such areas.

### 3.2.2 Flora and Fauna, Wetlands, and Threatened and Endangered Species

#### *Flora and Fauna*

The site was inspected for biological resources in June 1999. The vegetation is a simple mixture of weedy species, dominated by a moderately dense shrub cover of koa haole (*Leucaena leucocephala*) and sisal (*Agave sisalana*), with an understory of leaf-of-life (*Kalanchoe pinnata*) (see Fig. 3). A few Christmas berry (*Schinus terebinthifolius*) shrubs are also present. All these plants are alien species. No listed, candidate or proposed endangered animal or plant species were found or would be expected in the area. In terms of conservation value, no botanical or zoological resources requiring special protection are present. No streams, wetlands or special aquatic sites are present.

#### *Impacts and Mitigation Measures*

Because of the lack of native ecosystems and threatened or endangered plant species, no adverse impacts would occur as a result of clearing and improvements. The applicant has been advised that the Office of Environmental Quality Control recommends landscaping with native plants, and that a number of native species thrive in the dry, warm climate of the area, with little need for watering or maintenance.

### 3.2.3 Air Quality, Noise, and Scenic Resources

#### *Environmental Setting*

Air pollution in the Kona area is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that persistently blankets the district. Drier areas experience blowing dust, especially during construction in high wind episodes.

Noise on the site is very low and is derived mainly from automobiles and residential sources.

The area shares the quality of scenic beauty along with most of the Kona coastline. The Hawaii County General Plan contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment. The Plan refers to the 1950 lava flow, which is adjacent to the Kona Paradise Subdivision.

### *Impacts and Mitigation Measures*

The project would not affect air quality or noise levels, except for very minor and brief effects during construction. No substantial impact to scenery is expected, because the lot is part of a developed subdivision and will contain a home and landscaping that matches with its neighbors and will not be visible from any roads, scenic lookouts, or other likely public viewpoints. No impacts to views of or from the 1950 lava flow will occur.

#### 3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on onsite inspection and information on file, 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 following will be implemented:

*Mitigation Measure: Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; 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.*

### 3.3 Socioeconomic and Cultural

#### 3.3.1 Land Ownership and Land Use, Designations and Controls

##### *Existing Environment*

The property is owned by Paul Zivalic. Surrounding land is owned by various private landowners. The surrounding land use is residential subdivision, and the mauka end of Pebble Beach lies about 100 feet from the makai edge of the property, with the shoreline about 250 feet away (Fig. 2).

Zoning is A-5a (Agriculture, minimum lot size 5 acres). The State Land Use District is Conservation, and the Subzone is Limited. The Land Use Pattern Allocation Guide Maps identify the area as Open. The site is within the Special Management Area.

Construction of a single-family home within such designation is permitted if a Conservation District Use Permit and a Special Management Area Use Permit) or exemption) are obtained. This Environmental Assessment is part of the process for obtaining the permits. The consistency of the project with the regulations and policies of the Conservation District and Special Management Area are discussed in Section 3.7.

### 3.3.2 Socioeconomic Characteristics

#### *Existing Environment: Social Characteristics and Recreation*

The project site is within the ahupua'a of Ka'ohē 4th in the South Kona District of the island of Hawaii. Although Kona was an important district in pre-Contact Hawaii, by 1900 it had become a sleepy rural district of scattered coffee farms and cattle ranches. More traditional fishing villages were still present on the coast. Most coastal Hawaiian residents have relocated since then because of lava flows, economic opportunities, and other reasons, and now there are no traditional settlements between Ho'okena, 4 miles north of Ka'ohē, and Miloli'i, 9 miles south. However, other parts of Kona have experienced high rates of growth associated with the booming visitor industry in West Hawaii. Population has grown rapidly in all of West Hawaii and particularly in North Kona, where the number of inhabitants increased from 4,832 in 1970 to 25,447 in 1990 (DBEDT 1997). South Kona has experienced lower rates of growth, and was estimated to have 8,619 residents in 1995 (Ibid).

Population in Kona Paradise Subdivision is not monitored as part of census data, but over a hundred homes are present. Residents enjoy spectacular views of the coastline, pleasant weather and good ocean conditions for swimming, diving and boating. The entire subdivision has residential land uses.

The public accesses Pebble Beach via Kao'he Road, the main mauka-makai road in Kona Paradise Subdivision, which runs adjacent to the Zivalic property.

Another recreational and historical feature within the subdivision is the coastal trail near the makai end of the subdivision (Fig. 5). The trail occupies the makai portions of several lots within the subdivision, including the subject parcel. The trail has been designated by the Hawaii State Na Ala Hele Program as part of the Ala Kahakai system, which extends as a walking trail around the island near the coast. Legislation currently before the U.S. Congress would include the Ala Kahakai in the National Historic Trails system.

It is recognized that preservation and reconstruction of all portions of the Ala Kahakai trail and access along it is of vital interest for the State and federal governments and also for recreational users.

#### *Impacts and Mitigation Measures*

This project is not located on the shoreline and in no way will impede shoreline access. The project will include the following measure to ensure that full public access and enjoyment of the Ala Kahakai trail is preserved:

The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

[The historic sites aspect of the trail is discussed in Section 3.3.2, below.]

### 3.3.3 Archaeology, Historic Sites and Cultural Setting

#### *Archaeology: Environmental Setting, Impacts and Mitigation Measures*

The site was inspected for archaeological resources by an archaeologist with the State Historic Preservation Division (SHPD) in August of 1999. No archaeological resources were found on the parcel, aside from remnants of the Ala Kahakai trail on the parcel boundary. In a letter of 7 September 1999, SHPD stated that once questions concerning the location and physical remains of the Ala Kahakai were resolved, the project "will have 'no-effect' on significant historic sites" (see App. 1). As discussed above, the Ala Kahakai will be protected and its use preserved by setting aside a six-foot wide area where no construction or disturbance will occur. As a precaution, the following additional mitigation measure will be implemented.:

*Mitigation Measure: If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.*

#### *Cultural Value: Environmental Setting, Impacts and Mitigation Measures*

The cultural value of the land on which the parcel is located was also assessed as part of this EA. The purpose of this investigation was to determine whether the property supported any traditional gathering uses, was vital for access to traditional cultural sites, or had other important symbolic associations for native Hawaiians. Sources for the information included examination of maps associated with a Land Commission award of the kuleana makai of the Zivalic parcel and interviews with native Hawaiians knowledgeable about the Kaohe ahupua`as. Particularly important was an interview with Elvine Victorine, who is the owner and part-time occupant of the kuleana directly makai of the Zivalic parcel. She is a direct descendant of the family that occupied the kuleana shortly after its award in the 1850s. Her mother, born Mary Kaleohano, was born on the property in 1918.

Mrs. Victorine noted that the traditional use of this area in the early to mid-20<sup>th</sup> century was centered on marine resources - including opihi, fish, sea urchin, sea cucumber and limu. Noni was sometimes gathered, and kiawe became important for firewood and charcoal. A number of families lived in Kaohe and others would periodically visit. There was no road to coastal Kaohe before the 1950s, so residents and visitors were obliged to trek several miles down a steep trail from the Mamalahoa Highway. Families moved out one by one until by 1950 only one family still resided near the coast. After the developer built the subdivision in the 1950s, access became easier for everyone. The area still attracts some visits from native Hawaiians who are related by family to the area - along with many others who come to fish, gather, and swim at the pebble beach created in the 1950 eruption. According to Mrs. Victorine, there do not appear to be any biological, geological or other resources on the Zivalic parcel which are important for traditional gathering. She expressed dismay that the Ala Kahakai trail had been violated in other areas of the subdivision and voiced her concern that the trail be preserved on the Zivalic parcel and other development locations adjacent to the trail.<sup>1</sup>

Mitigation measures described in Section 3.3.1 above will ensure that no adverse impacts to the Ala Kahakai will occur and that access along the edge of the parcel will be preserved.

#### 3.4 Public Facilities and Utilities

Access to the lot is provided by Ka'one Road, a non-dedicated asphalt-covered roadway with a forty-foot right of way, which serves as the spine of the subdivision from Mamalahoa Highway to Pebble Beach. The site is serviced by overhead power lines from HELCO. No public parks exist in the area. Water service will be via a catchment system. Wastewater treatment will occur via a septic system in conformance with Hawaii State Department of Health rules and regulations. No adverse impact to public facilities or utilities will occur.

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<sup>1</sup> This summary of the interview was reviewed, revised and approved by Mrs. Victorine in a telephone conversation of Sept. 8, 1998.

3.5 Secondary and Cumulative Impacts

The proposed project will not involve any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. Other projects in progress or planning include various single-family homes within the subdivision, including several at its makai end. The adverse effects of the Zivalic project – very minor and temporary disturbance to air quality, noise, and visual quality during construction, as well as adding to the density of houses in the Kona Paradise Subdivision – are negligible. No special mitigation measures should be required to counteract the small adverse cumulative effect

The only cumulative impact from the incremental addition of these homes appears to be encroachment on the Ala Kahakai trail. Residents have identified a problem in enforcing setback provisions related to the trail that have been imposed as part of Conservation District Use Permits (CDUP) and Building Permits. The landowner has been made aware of the trail and its historical and recreational importance and plans to preserve the trail and access to it, as is expected to be required as a condition of the CDUP for the project.

3.6 Required Permits and Approvals

Construction will require the following:

County of Hawaii:

Special Management Area Permit or Exemption  
Building Permit

State of Hawaii

Conservation District Use Permit

3.7 Consistency With CD/SMA Rules, Guidelines and Objectives

The property is in the State Land Use Conservation District, Subzone Limited. 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. Because it is located in the Special Management Area (SMA), the CDUA must also address the consistency of the project with SMA objectives. Briefly, the following individual consistency criteria should be noted:

- The development of this single family residence is a regulated land use within the Limited Subzone and is consistent with the purpose of the district as defined in Chapter 13-5, HAR. The objective of the Limited Subzone is to limit uses where natural conditions suggest constraints on human activities. Maps printed by the Hawaii County Civil Defense Agency locate the parcel in the area that should be evacuated during a tsunami warning. The proposed action is a permitted use in the Limited Subzone and will not create any hazards for the public. All construction on the subject property will be consistent with the Building Code requirements of the County of Hawaii.
- The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management." Single family residences are considered 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 applicant has filed a SMA Use Permit Assessment Application request with the Planning Department and an SMA Impact Assessment Application.
- The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region. The construction activities of this single family residence will be confined to the owner's lot and will not have any adverse impact on the natural resources of the area, community or region.
- The proposed land use, including buildings, structures and facilities are compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels. The lot was created as part of a residential subdivision in 1959. The proposed use is compatible with other residences in the area and is appropriate to the existing uses and physical conditions of the property.
- 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. The physical beauty of the lot will be improved with the removal of unwanted plant material and the installation of landscaping.
- Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District. The proposed action will not subdivide the property and will not lead to any increase in intensity of use beyond the permitted single family residence.



#### **PART 4: DETERMINATION**

The proposed project will not significantly alter the environment and impacts will be minimal, and therefore an Environmental Impact Statement is not warranted. Accordingly, the Hawaii State Department of Land and Natural Resources will issue a Finding of No Significant Impact (FONSI) for the project.

#### **PART 5: FINDINGS AND REASONS**

Chapter 11-200-12, Hawaii Administrative Rules, outlines those factors agencies must consider when determining whether a project has significant effects:

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 involved, committed or lost. The Ala Kahakai trail and access to it will be preserved as a condition of the permits for the project.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur.
3. *The proposed 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 proposed 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 Kona community or State.
5. *The proposed 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 proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* As the project involves only one single-family home, no secondary effects are expected.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign, and it would thus not contribute to environmental degradation.
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The site supports entirely alien vegetation. No rare,

threatened or endangered species of flora or fauna are known to exist on the project site, and none would be affected by any project activities.

9. *The proposed 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 project is not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions. Cumulative impacts related to encroachment on the Ala Kahakai Trail will be avoided by strict observance of permit conditions preserving the trail and access along it.
10. *The proposed 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 flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Although the proposed project is located in zone exposed to flood damage, earthquake and volcanic hazard, there are no reasonable alternatives that would avoid such exposure, the project presents no additional hazard to the public, and the project is not imprudent for landowner.
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* No County or State plan, including the Hawaii County General Plan, identifies important views in this area. The project will not impair views of or along the coastline or the 1950 lava flow.
13. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction.

For the reasons above, the proposed project will not have any significant effect in the context of Chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.

## REFERENCES

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**APPENDIX 1A**

**COMMENT LETTERS**

**FROM AGENCIES AND ORGANIZATIONS**


**IN RESPONSE TO PRE-CONSULTATION**



**NA ALA HELE**  
Hawaii Trail & Access System

MEMORANDUM

TO: Ron Terry, Ph.D.  
Geo Metrician  
HC2 Box 9575  
Keaau, HI 96749

FROM:  Rodney T. Oshiro, Na Ala Hele

DATE: July 14, 1999

SUBJECT: Pre-Consultation on Environmental Assessment for Construction of Single-Family Dwelling at TMK 8-7-19:40, South Kona

Registered Map 2468 indicates a lateral alignment along the coastline of the Kaohe ahupuaa. However, we are not sure of the location of the alignment as it relates to subject property and L.C. Aw. 9194-B as well as the parcels mauka of Ili-ili Beach. We have requested verification of that information from our abstractor.

We will appreciate fully if the EA were to provide information on the trail and recommendations concerning easements and buffers to assure that full public access and enjoyment of the trail is preserved.

Thank you for the opportunity to comment. We will appreciate a copy of the EA when it is completed.

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

July 26, 1999

Mr. Ron Terry, Ph.D.  
HCR 1, Box 9575  
Keaau, HI 96749

Dear Mr. Terry:

**SUBJECT: PRE-CONSULTATION ON ENVIRONMENTAL  
ASSESSMENT FOR CONSTRUCTION OF SINGLE-FAMILY  
AT TMK 8-7-19:40, SOUTH KONA**

Discussed below, this letter contains two actions by the Planning Director: first, on the above EA, comments are stated on any special environmental conditions or impacts that may be related to the proposed residential development of parcel 40. Our EA comments are given pursuant to Haw. Admin. Rule 11-200-9(a)(1) as "*..the county agency responsible for implementing the [Hawaii County] [G]eneral [P]lan (GP)...*"; generally, our comments cover the land use regulations that apply to this site. (Emphasis added). The second action provided here is to grant an SMA assessment exemption for this project.

**Land Use Zonings & Designations.** According to the departments' zoning maps, parcel 40 is zoned in the following land use designations. The land use regulations apply to both actions; and therefore, the discussion made below of the state or county land use law is our finding that determines the project's consistency with the respective land use regulation.

SLU (State Land Use):	"Conservation" District
County Zoning:	A-5a *(N/A)
County GP (General Plan) Designation:	Open and/or Extensive Agricultural
SMA (Special Management Area)	

\* See below discussion.

Mr. Ron Terry, Ph.D.  
Page 3  
July 26, 1999

**Jurisdictional Authority in State Land Use: "Conservation" Districts.** Parcel 40 is located in the State "Conservation" district where the County has no administrative jurisdiction. Hawaii County GP Support Document at 97 (November 14, 1989). Therefore, the County's zoning requirements or criteria do not apply to parcel 40. Land use jurisdiction in the "Conservation" district is governed by the State DLNR (Department of Land & Natural Resources). Haw. Rev. Stat. sec. 205-5(a). Consequently, the residential use of parcel 05 is subject to the DLNR's conditional use permitting procedures, the CDUA (Conservation District Use Application). Haw. Admin. R. 13-2-1 (1990).

However, where "Conservation" lands, like parcel 40, are within the County's SMA zone then SMA review and approval is required *before* approval of the State CDUA, according to the State CZM (Coastal Zone Management) law, Haw. Rev. Stat. sec. 205A-29(b), and the guidance stated in the Letter from the Director, State of Hawaii - OEQC (Office of Environmental Quality Control) (July 14, 1992).

**Coastal Flood / Tsunami Zone.** Please consider consulting with the County DPW (Department of Public Works) - Engineering Division, Kona Office to determine if this parcel is subject to any flood zone regulations. DPW-Engineering Division, Ph: 327-3530 (Kailua-Kona).

**SMA Action: Findings: Declaration of Exemption from SMA Rules.** Because the project site is within the County's SMA zone it is subject to the regulatory requirements of the Hawaii County Planning Commission's SMA Rule 9. Pursuant to Rule 9-4(10)C, the Director has determined that the proposed construction of one single family dwelling with accessory and related improvements are exempt from the SMA definition of "development". Our findings confirm that this project is exempt under Rule 9-4(10)B(i) because it constitutes the construction of a dwelling that is not part of a larger development. In accordance with Rule 9-10G, the Planning Director declares that the proposed dwelling improvements are exempt from the SMA rules and regulations.

**Shoreline Survey: Not Required.** Because this parcel does not abut the ocean shoreline a shoreline survey is not required.

**Scope of Exemption.** The exemption is granted for the proposed improvements consistent with the provided description. While the proposed construction is exempt from further SMA review it is still subject to all other applicable State and County regulations, including the Building Permit application process of the County Department of Public Works - Building Division and Engineering Division.


Mr. Ron Terry, Ph.D.

Page 3

July 26, 1999

Any clarification or discussion of questions that you may have on these comments can be made with Daryn Arai or Earl Lucero at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

EML:gp

f:\wp60\earl\letter\terry11.eml

cc: West HI Planning Office  
DPW - Engineering Division, Kona Office

State of Hawaii - DLNR Land Division, Planning & Technical Services Branch  
P.O. Box 621, Honolulu 96809





**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

July 22, 1999

Ron Terry, Ph.D  
Geo Metrician  
HC 2 Box 9575  
Keaau, Hawaii'i 96749

Re: Pre-Consultation for an Environmental Assessment for a Construction of a Single-Family Dwelling at South Kona, Hawaii Island, TMK: 8-7-19:40

Dear Mr. Terry:

Thank you for the opportunity to provide preliminary comments on the construction of a single family home in South Kona. The home will be built in the Conservation District at Kona Paradise subdivision in the ahupua'a of Ka'ohe 4<sup>th</sup> near but not on Ili Ili beach. A draft Environmental Assessment and Conservation District Use Permit are required for this project.

The Office of Hawaiian Affairs' primary concern is for the cultural and historic resources that may remain on or with the property, as well as for any traditional gathering rights which may have occurred in the project area. This information should be fully discussed in the environmental assessment.

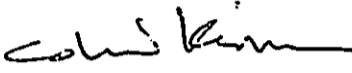
The Hawaiian culture is not a thing of the past. The Hawaiian culture is a living thriving culture. To relegate impact analysis to a sole review of historical resources is inadequate. The full range of social and cultural impacts, including archeological impacts must be considered.


OHA strongly suggests that a Hawaiian cultural expert be contacted to determine the cultural information that should be gathered before a decision on this application can be made. We caution that the person or persons contracted to do this work should be recognized within the Hawaiian community for his/her cultural expertise. The concerns of the community will not be addressed if cultural information and analysis are provided by a person whose knowledge of Hawaiian culture is limited solely to the academic study of archaeology or anthropology.

Mr. Ron Terry, Ph.D.  
Geo Metrician  
July 22, 1999  
Page two

We look forward to receiving your draft environmental assessment. We will carefully review the document, especially as it pertains to cultural properties and make appropriate comments. If you have any questions, please contact or Lynn Lee, Policy Analyst at 594-1936.

Sincerely,

  
Colin Kippen  
Deputy Administrator

  
C. Sebastian Alebt  
Director, Hawaiian Rights Division


cc: Board of Trustees  
West Hawaii Community Affairs Office



NA ALA HELE  
Hawai'i Trail & Access System

MEMORANDUM

TO: Ron Terry, Ph.D.  
Geo Metrician  
HC 2 Box 9575  
Keaau, HI 96749

FROM:  Rodney T. Oshiro, Na Ala Hele

DATE: August 2, 1999

SUBJECT: Pre-Consultation on Environmental Assessment for Construction  
of Single Family Dwelling at TMK 8-7-19:40, Kaohe, South Kona

The attached information was provided by our abstractor.

Attachment



COPY

NA ALA HELE  
Hawaii Trail & Access System

July 28, 1999

REF: H99:4 Kaohe

Interoffice Memorandum

TO: Patrick Thiele

FROM: Moana Rowland *MR*

SUBJECT: LCA 9194-B in relation to coastal trail in Kaohe IV

---

I should have thought of this sooner. LCA 9194 RP 6002 to Kahele situate at Kaohe 3 clearly depicts and describes the location of the coastal trail as it passes through TMK: 8-7-9-15 as well as TMK: 8-7-19-38 and 40. The following is a translation of said LCA.

*Number 9194 to KaheleKaohe 3, South Kona Hawaii(RP 6002)*

*The houselot of Kahele at Kaohe 3, South Kona Hawaii*

*Starting on the North corner and going*

*S68°15'W2.07 chains along the government land,  
S18°30'E3.90 chains along the government land and Kalaimoku,  
N81°15'E1.35 chains along the Road  
N18°30'W0.85 chains along the Road  
N74°30'E9.86 chains along the Road  
N18°30'W3.45 chains along the Road*

*0.80 Acre*

LCA dated September 7, 1853  
RP dated Septmeber 18, 1866

According to the survey sketch and description there were 2 roads in the area. One road ran in a mauka-makai direction (along the South boundary of LCA 9194) and the second ran parallel to the coastline (along parcel 40). This is clear evidence of the location of the coastal trail.

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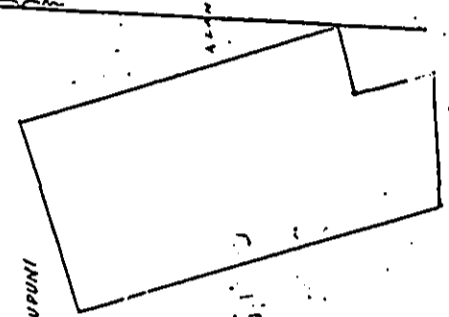
අංක 6002

විද්‍යාල 9194 විවෘත

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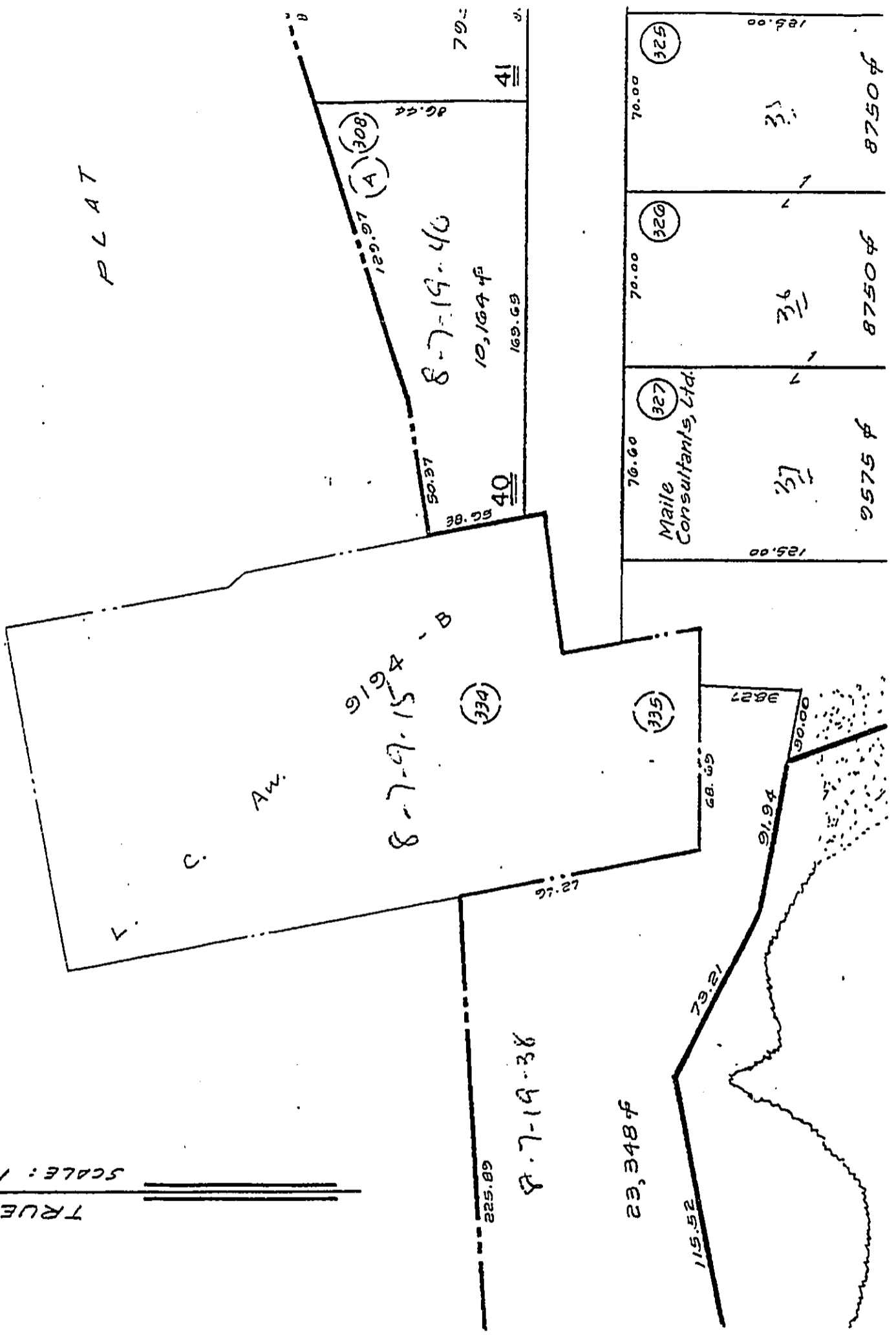
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TRUE NOR 1  
SCALE: 1 in. = 50 ft.

PLAT



8750 f

8750 f

9575 f

125.00

70.00

70.00

70.00

125.00

37

36

31

326

327

325

325

308

40

41

70

10,169 f

169.69

50.37

38.99

225.89

73.21

91.94

30.00

68.69

97.27

115.52

23,348 f

8-7-19-38

8-7-9-15-A-B

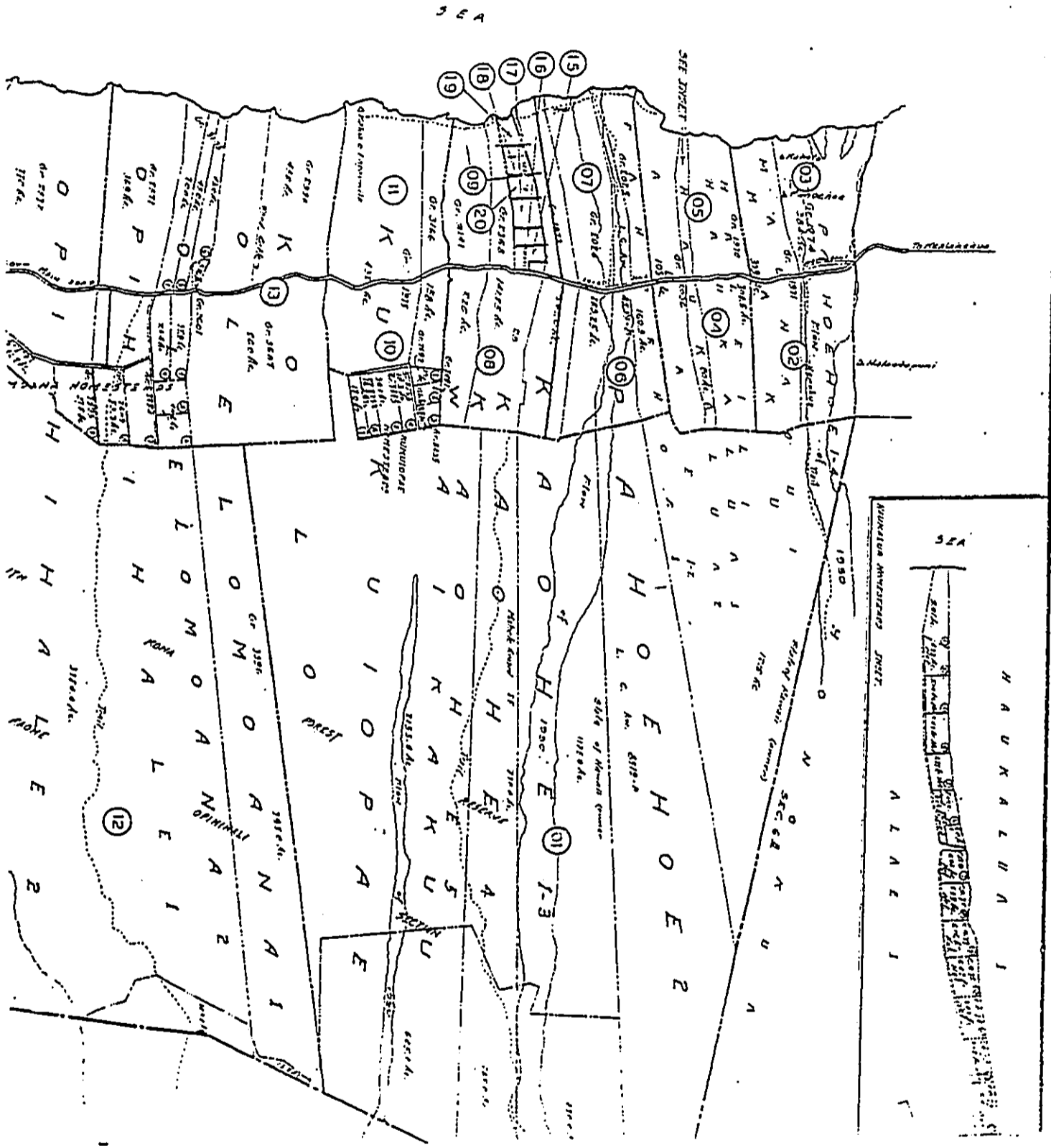
8-7-19-46

Maile Consultants, Ltd.

K. C. Aw.

PLAT

118-7



HELU 6002

PALAPALA SILA NUI

A ke Alii, mamuli o ka olelo a ka Poe Hoona Kuleana,

NO KA MEA, Ua loobolo na Luna Hoona i na kumu kuleana aina i ka olelo, he kuleana oiaio ko  
*(shale)* Kuleana Helu 9,94 <sup>2</sup>

ma ke ANO Alodio foko o kahi i oleloia malalo.

Nolaila, ma ke Palapala Sila Nui, ke hoiho aku nei o Kamehameha IV, ke Alii nui a ke Akua i kona lokomaikai i hoouho  
ni maluna o ko Hawaii Pae Aina, i na kenaka a pau, i keia la nona iho, a no kona mau hope alii, ua haawi aku oia, ma ke ANO  
Alodio ia *(shale)*

i kela wahi a pau loa ma *(shale)* Kaula I - Kona 16.

ma ka mohupuni o *(shale)* heoi na mekua:

*(shale)* - *(shale)* ma ke olelo *(shale)* a holo  
*(shale)* - 18:15 *(shale)* 2:07 *(shale)* ma ke *(shale)*  
*(shale)* - 18:30 *(shale)* 3:20 " " *(shale)*  
*(shale)* - 18:15 " 1:35 " " *(shale)*  
*(shale)* - 18:30 *(shale)* 2:35 " " " "  
*(shale)* - 14:30 *(shale)* 2:30 " " " "  
*(shale)* - 18:30 *(shale)* 3:45 " " " "  
0:80 *(shale)*



Halekoo ..... *Alu* ..... Eka  
A o ka ala a mai i ka paha. Ua loa nā i ke Ahupua'i na mine minerola a me na metela a pau.

Ma ..... *Alu* .....  
na mina i ka hewaia ma ke Alo o Aloha a no kua ma hōhōia, a me kua waloha, wa pū nae ka suban a ka Poe Ahaoalo e  
ka hōhōia ma na ala aloha i ka manawa i ka manawa.

A .....  
Ama ma Honolulu i ka Ia

18. September 1886

*Kamihana B*

*Alu*

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES  
JANET E. KAWELO

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
Kakuhihewa Building, Room 556  
601 Kamohala Boulevard  
Kapolei, Hawaii 96707

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS  
WATER RESOURCE MANAGEMENT

September 7, 1999

Mr. Ron Terry  
Geo Metrician  
HC 2 Box 9575  
Keaau, Hawaii 96749

LOG NO: 24044 ✓  
DOC NO: 9909ms02

Dear Dr. Terry:

**SUBJECT:** *Historic Preservation Concerns for Construction of Single-Family Dwelling in Kona Paradise subdivision  
Ka'ohē 4, South Kona, Hawaii Island  
TMK: (3)8-7-19:40*

---

Thank you for the opportunity to review this proposal, and accompanying Historic Preservation Division staff archaeologist Marc Smith during the August 17, 1999, site inspection.

Vegetation in the parcel consists of *ekoa* and sisal, on an *a'a* substrate. It appears that much of the parcel has been bulldozed in the past. No structures or features were observed in the parcel.

However, it has been reported that the Ala Kahakai Trail crosses the makai (west) end of the parcel. There is no evidence of a trail in the subject parcel, but in the adjacent parcel to the north there exists two parallel, dry stacked basalt walls that bound an existing trail. We would recommend that the Na Ala Hele Program be consulted to resolve the question of the trail, in addition to ownership and easement issues.

Once the question of the trail easement is resolved, we believe that the proposed single-family residence will have "no effect" on significant historic sites. If you have further questions please call Pat McCoy at 692-8029 (Honolulu), or Marc Smith at 933-0482 (Hilo).

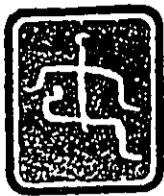
Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator  
State Historic Preservation Division

MS:lpf

c: Rodney Oshiro, Na Ala Hele Program, Hilo



COPY

NA ALA HELE  
Hawaii Trail & Access System

MEMORANDUM:

TO: Nelson Ayers, DOFAW Administration  
FROM: *Rodney T. Oshiro*  
Rodney T. Oshiro, Na Ala Hele  
DATE: November 16, 1999  
SUBJECT: CDUA HA-2959 (B)  
Single Family Residence  
Kona Paradise Subdivision, South Kona, Hawaii  
TMK (3) 8-7-19:40

As the result of a confirming site inspection and receipt of additional information from our abstractor, the width Na Ala Hele is claiming for the "Old Hawaiian Road" as depicted on the enclosed map (Exhibit D-3 of Civil No. 5474-Kona) surveyed by John D. Weeks is 10 feet. An appropriate buffer provided by the applicant is also recommended to ensure privacy of the applicant. The 10-foot width is the same distance between the "two parallel, dry stacked basalt walls that bound an existing trail" referred by Don Hibbard of the State Historic Preservation Division, in a letter to Ron Terry of Geo Metrician, dated September 7, 1999. This 10-foot alignment should be surveyed and described by metes and bounds by the applicant in favor of the State of Hawaii, approved by the State surveyor and recorded with the Bureau of Conveyance as a condition of approval.

The claim by Na Ala Hele for the coastal alignment of approximately 380 square feet will reduce the lot size to less than the minimum 10,000 square feet needed for development as indicated in the administrative rules governing conservation-zoned lands. Na Ala Hele is amenable to a waiver of the lot-size restriction.

Attachment: Exhibit D-1, D-2, D-3 of Civil No. 5474 (Kona)  
Photocopy of dry stacked walls

cc: Ron Terry, Geo Metrician  
DOCARE - Kona

COPY

John D. Weeks, Inc.  
78-6877 Mamalahoa Hwy  
Holualoa, Kona, Hawaii  
96725  
February 21, 1989 -

Mr. Leroy Victorine  
49 Terrace Drive  
HILO, Hawaii  
96720

RE: Description on a portion of R. P. 6002,  
L. C. Aw. 9194 (9194-B) to Kahele at  
Kaohi 3 and 4, South Kona, Hawaii

Dear Mr. Victorine,

Description on a portion of the subdivision road and a  
portion of Koahē Beach Park, area being 0.037 Acre, is  
submitted herewith.

Thank you.

Yours very truly,

  
John D. Weeks, II

enc  
c.c. Long & Melone

EXHIBIT D-1

D E S C R I P T I O N

Being a portion of R. P. 6002, L. C. Aw.  
9194 (9194-B) to Kahele at Kaohe 3 and 4,  
South Kona, Hawaii


Beginning at a pipe in concrete at the Southeasterly corner of this parcel of land, and on the Westerly side of the old Hawaiian Road, the coordinates of which referred to Government Survey Triangulation Station "WAIKAKUU 4" being 1,980.84 feet North and 4,308.88 feet West, and running by azimuths measured clockwise from true South:

Along the old Hawaiian Road for the following three (3) courses:

- |    |          |            |   |
|----|----------|------------|---|
| 1. | 83° 00'  | 56.80 feet | along the northerly side of the old Hawaiian Road, to a pipe in concrete; |
| 2. | 350° 00' | 56.10 feet | along the westerly side of the old Hawaiian Road, to a pipe in concrete;  |
| 3. | 89° 45'  | 20.43 feet | along the northerly side of the old Hawaiian Road, to a point, thence;    |

Along the remainder of R. P. 6002, L. C. Aw. 9194 (9194-B) to Kahele for the following two (2) courses:

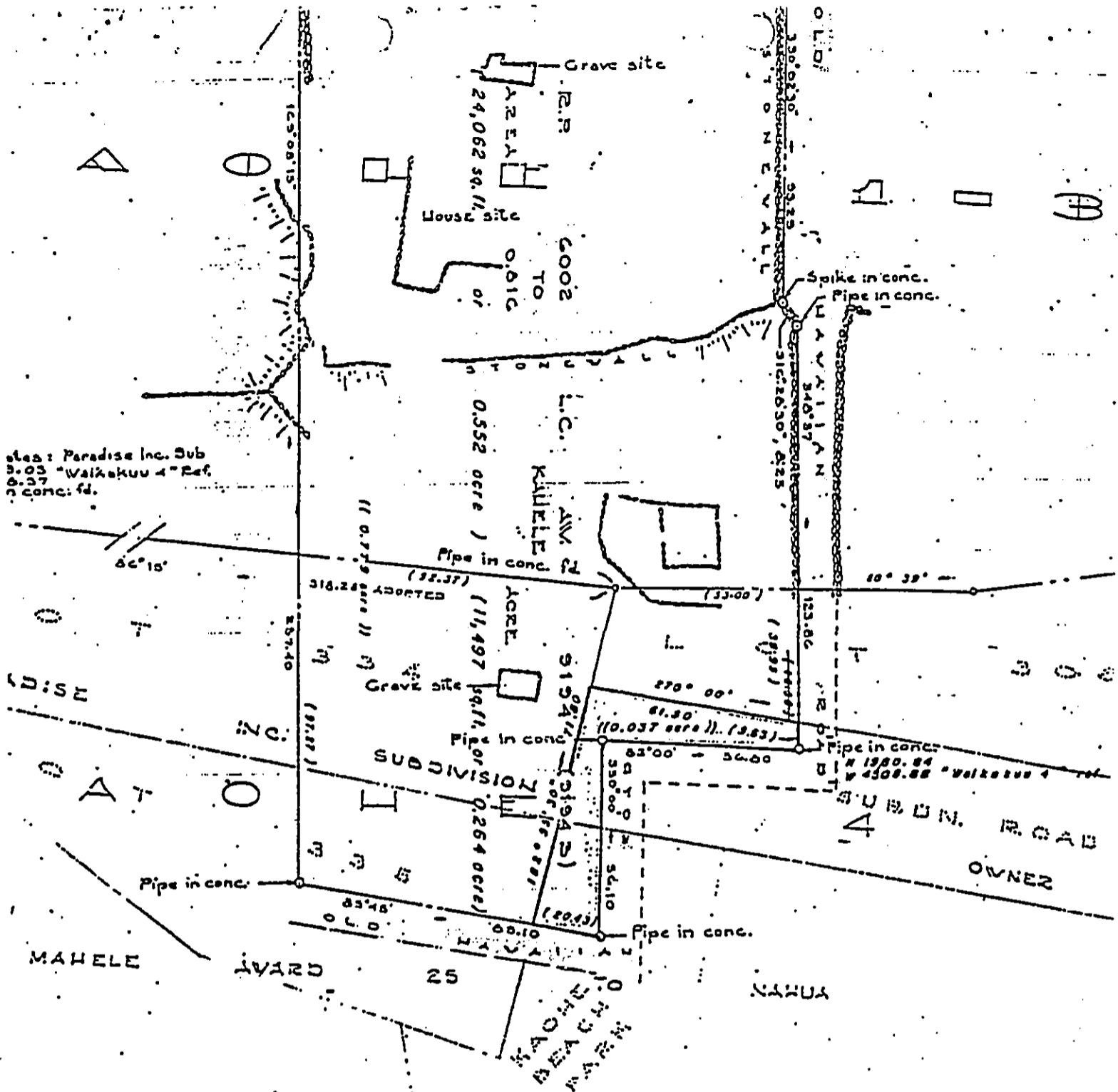
- |    |              |            |  |
|----|--------------|------------|--|
| 4. | 182° 55' 30" | 71.80 feet | to a point;  |
| 5. | 270° 00'     | 61.50 feet | to a point, thence;  |
| 6. | 348° 37'     | 9.63 feet  | along the westerly side of the old Hawaiian Road to the point of beginning and containing an area of 0.037 Acre. |

  
HAJIME TAKATA  
Registered Land Surveyor #400

JOHN D. WEEKS, INC.  
DATED: February 17, 1989



EXHIBIT D-2

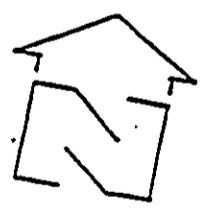


Notes: Paradise Inc. Sub  
3.03 "Waikoku 4" Ref.  
6.37  
2 conc. fd.

PORTIONS OF LOTS 308, 334, 335,  
N ROAD, AND KAONE BEACH PARK  
6002, L.C. AW 9194 (9194B) TO  
DEED JANUARY 20, 1984.

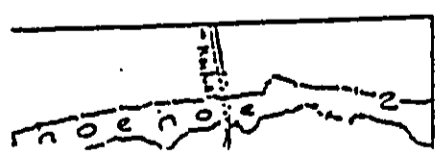
308, 334, 335, KAONE BEACH  
SUBDIV. ROAD, WITHIN PARADISE  
INC. OVERLAP L.C. AW 9194.  
DIMENSIONS & AZIMUTH SHOWN  
FROM PARADISE INC. SUBDN.

FROM THE OFFICE OF



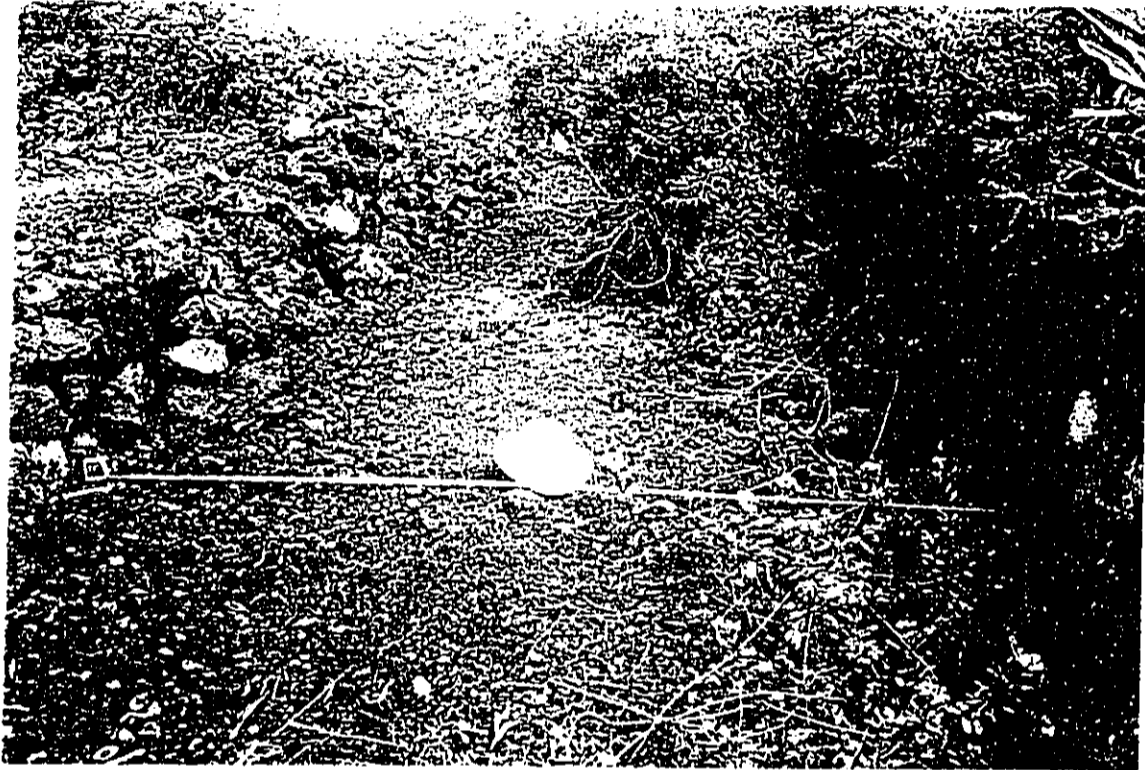
**EXHIBIT D-3** *J. D. Weeks*

ALL WORK WAS DONE BY OR UNDER THE  
SUPERVISION OF THE ABOVE SIGNED





NA ALA HELE  
Hawaii Trail & Access System



**APPENDIX 1B**

**COMMENT LETTERS IN RESPONSE TO DRAFT EA**

**AND RESPONSES**



PHONE (808) 594-1888



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPIOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

FAX (808) 594-1885  
RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
Nov 23 9 16 AM '99

November 12, 1999

Mr. Dean Y. Uchida, Administrator  
Land Division  
Department of Land and Natural Resources  
P.O. Box 821  
Honolulu, Hawaii 96809

(PA #323)

Re: Conservation District Use Application (CDUA)  
And Draft Environmental Assessment (Draft EA)  
Kona Paradise Subdivision, South Kona, Hawaii  
TMK: (3) 8-7-10: 40  
File No.: HA-2959 (B)

Dear Mr. Uchida,

Thank you for the opportunity to comment on the CDUA and Draft EA of the above-referenced project. The applicant proposes to build a new single-family residence of approximately 2,520 square feet.

According to the Draft EA, there are no rare, threatened, or endangered flora or fauna species found on the proposed project site.

In addition, the State Historic Preservation Division (SHPD) found no archaeological resources on the parcel. However, the SHPD should be contacted if any human burials, artifacts, or other cultural remains or deposits are encountered within the project area.

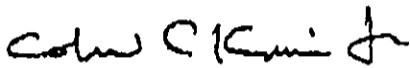
Furthermore, the cultural assessment done on the proposed project parcel indicates no adverse effects on biological, geological or other resources which are important for traditional gathering. Interviews with native Hawaiians knowledgeable of the area were conducted.

Lastly, portions of the historic Ala Kahakai trail occupies the makai portions of several lots, including the proposed project parcel. Every effort should be made to minimize any adverse disturbance to the trail and access along it.

Mr. Dean Y. Uchida, Administrator  
Land Division  
Department of Land and Natural Resources  
November 12, 1999  
Page Two

If you have any questions, please contact Mark A. Mararagan, Policy Analyst at 594-1945. Please refer to the document number noted at the top of this letter in any future correspondence.

Sincerely,



Colin C. Kippen, Jr.  
Deputy Administrator

cc: OHA Board of Trustees  
Kona CRS



**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

Colin Kippen, Jr., Deputy Administrator  
Office of Hawaiian Affairs  
711 Kapi`olani Blvd, Suite 500  
Honolulu HI 96813-5249

Dear Mr. Kippen:

Subject: *Draft Environmental Assessment for Zivalic Single Family Home*

We received your memorandum of November 12, 1999, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the Draft EA for the proposed project. We offer the following individual responses to your comments:

1. *Inadvertent finds of archaeological or burials.* If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.
2. *Ala Kahakai Trail.* The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

Sincerely,

  
Ron Terry

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

### County of Hawaii

#### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4232  
(808) 961-8288 • Fax (808) 961-8742

November 23, 1999

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
NOV 25 8 07 AM '99

Mr. Dean Y. Uchida, Administrator  
Land Division  
Department of Land & Natural Resources  
P. O. Box 621  
Honolulu, HI 96809

Dear Mr. Uchida:

CDUA HA-2959(B)  
Proposed Single Family Residence  
Kona Paradise Subdivision  
TMK: (3) 8-7-019:040

We have received your letter of November 8, 1999, requesting our review of this CDUA.

The proposed six-foot wide trail easement along the makai edge of this parcel should be created. This easement should be clearly marked and signage indicating that this easement is a portion of the Ala Kahakai Trail should be installed.

We have no objections to the construction of the single family dwelling as proposed.

Thank you for the opportunity to comment. Should you have any questions, please feel free to contact Rodney Nakano of my staff.

Sincerely,

VIRGINIA GOLDSTEIN  
Planning Director

RKN:gp  
p:\wp60\rodney\99-4\Uchida1

cc: West Hawaii Office



**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

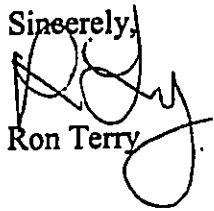
Virginia Goldstein, Director  
Hawaii County Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Ms. Goldstein:

Subject: Draft Environmental Assessment for Zivalic Single Family Home

We received your letter of November 23, 1999, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the Draft EA for the proposed project, in which you stated that your department has no objection to the project. We agree with your suggestion that a clearly marked and signed easement should be installed. The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

Sincerely,

  
Ron Terry

Nov 26 99 08:56a

11 000 000 000 4186 → GEO  
Environ. Qual. Control

(808) 586-4186

page 1  
P.1

BENJAMIN J. CAYETANO  
GOVERNOR



COPY

GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
336 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4186  
FACSIMILE (808) 586-4186

November 24, 1999

Dean Uchida, Administrator  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Attention: Ed Henry

Dear Mr. Uchida:

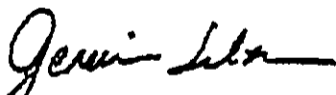
Subject: Draft Environmental Assessment (EA) for Zivallic Single Family Home, South Kona

In order to reduce bulk and conserve paper, we recommend printing on both sides of the pages in the final document. In addition we have the following comments to offer:

1. Landscaping: In the final EA discuss the proposed landscaping. We recommend the use of native Hawaiian trees and plants.
2. Timeframe: What are the anticipated start and end dates of this project?

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

  
GENEVIEVE SALMONSON  
Director

c: Ron Terry



**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

Genevieve Salmonson, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, HI 96813

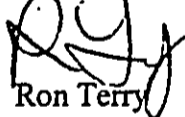
Dear Ms. Salmonson:

Subject: Draft Environmental Assessment for Zivalic Single Family Home

Thank you for your letter of November 24, 1999 in response to the Draft EA for the proposed project. We offer the following individual responses to your comments:

1. *Landscaping.* It is important to remember that the lot, which is entirely covered by weedy shrubs, is within an existing residential subdivision, bounded on most sides by homes that contain a variety of landscaping elements. Given this context, it seems neither reasonable nor appropriate to require a landscape composed strictly of native plants. However, Mr. Zivalic is interested in landscaping with native plants, and we have recommended a palette of species including (among others) hala, naupaka, and lama, which thrive in this climate with little need for water. The recommendation to incorporate native plants will be included in the Final EA.
2. *Timeframe.* The house would probably be built during the summer of 2000. This information will be included in the Final EA.

Sincerely,



Ron Terry

BENJAMIN J. DAYETANO  
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D., M.A.H.  
DIRECTOR OF HEALTH

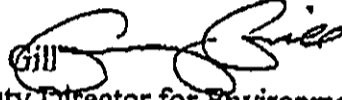
STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801

In reply, please refer to:  
File:

December 14, 1999

99-233/epo

TO: Dean Y. Uchida, Administrator  
Land Division  
Department of Land and Natural Resources

FROM: Gary Gill   
Deputy Director for Environmental Health

SUBJECT: CONSERVATION DISTRICT USE APPLICATION

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
DEC 20 9 53 AM '99

Applicant: Mr. Paul Zivalic  
File No.: HA-2959(B)  
Request: Single Family Residence  
Location: Kona Paradise Subdivision, South Kona, Hawaii  
TMK: 8-7-19: 40

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

Wastewater

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. As there is no existing sewer service system in the area and none will be constructed in the near future, the Department of Health (DOH) requires the use of a treatment individual wastewater system (IWS), such as a septic tank system, to be constructed for the purposes of wastewater treatment and disposal.



Received Dec-30-99 11:53am  
LAND MANAGEMENT DIV.

from 808 587 0455 → GEO  
ID:808-587-0455

DEC 30 '99

11:20 No.009 P.04

page 4

Mr. Dean Y. Uchida  
December 14, 1999  
Page 2

99-233/epo

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems," and they must be submitted to the Wastewater Branch for review and approval.

Should you have any questions, please contact the Planning/Design Section of the Wastewater Branch at 586-4294.

c: WWB



**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

Gary Gill, Director of Environmental Health  
Hawaii State Department of Health  
P.O. Box 3378  
Honolulu HI 96801

Dear Mr. Gill:

Subject: Draft Environmental Assessment for Zivalic Single Family Home

We received your memorandum of December 14, 1999, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the Draft EA for the proposed project. Your memo stated that the Department of Health would require the use of an individual wastewater system for wastewater treatment, and that cesspools would not be allowed. As stated in Section 3.4 of the Draft EA, wastewater treatment will occur via a septic system in conformance with Hawaii State Department of Health rules and regulations.

Sincerely,



Ron Terry

Received Dec-30-99 11:53am  
LAND MANAGEMENT DIV.

from 808 587 0455 → GEO  
ID:808-587-0455 DEC 30 '99

page 7  
11:21 No.009 P.07

BENJAMIN J. GAYETANO  
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DEPUTIES  
JANET F. KAWILO  
LIMNEL NISHIDRA

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HISTORIC PRESERVATION DIVISION  
Kekuhihewa Building, Room 566  
601 Kamohiwi Boulevard  
Kapolei, Hawaii 96707

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS  
WATER RESOURCE MANAGEMENT

December 14, 1999

**MEMORANDUM**

LOG NO: 24535 ✓  
DOC NO: 9912PM01

TO: Dean Uchida, Administrator  
Land Division

FROM: Don Hibbard, Administrator  
State Historic Preservation Division *[Signature]*

SUBJECT: File No. CDUA HA-2959 (B)  
CDUA Application for Single Family Residence (Paul Zivalic)  
Kaohe 4, South Kona, Hawaii Island  
TMK: 8-7-19:40

The application states that the subject parcel, a vacant lot located in a residential subdivision, was graded in 1959 when the subdivision was established. There is, however, evidence that a section of the Ala Kahakai Trail crossed the lower end of the property. Staff archaeologist Marc Smith conducted a field inspection of the property on August 17, 1999. He found no sign of the trail on the parcel but there is an extant trail on the parcel to the north.

Based on this information we recommended in a letter dated September 7, 1999 to Dr. Ron Terry that the applicant consult with the Na Ala Hele Program to resolve questions of ownership and easements. The application notes that this consultation process has begun and that what is being proposed is a six-foot wide trail easement where no construction or ground disturbance will take place. This would seem to be Na Ala Hele's jurisdiction, since no historic sites survive in the parcel.

NM:lm

Dec 17 12 01 PM '99



**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

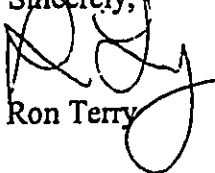
Don Hibbard, Administrator  
State Historic Preservation Division  
Kakuhihewa Bldg., Room 555  
601 Kamokila Blvd  
Kapolei, Hawaii 96707

Dear Dr. Hibbard:

Subject: Draft Environmental Assessment for Zivalic Single Family Home

We received your memorandum of December 14, 1999, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the Draft EA for the proposed project, in which you noted that you recommended consultation regarding the Ala Kahakai Trail. Please note that this consultation has continued. The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

Sincerely,

  
Ron Terry

State of Hawaii  
Department of Land and Natural Resources  
Division of Conservation and Resources Enforcement

January 03, 2000

MEMORANDUM

TO: Dean Uchida, Administrator  
Land Division

FROM: Patricia Edwards, Acting Investigator<sup>pb</sup>  
Division of Conservation and Resources Enforcement

SUBJECT: Site Visit/Field Inspection Report 2959(B)-HA

1. CASE DATA

- a. FILE NO: 2959(B)-HA
- b. INITIATOR: MR. PAUL ZIVALIC
- c. LOCATION: TMK:(3)8-7-19:40 KONA PARADISE SUB-DIVISION,  
SOUTH KONA, HAWAII
- d. SUMMARY: SINGLE FAMILY RESIDENCE AND RELATED  
IMPROVEMENTS

2. FINDINGS

- a. Site visit/Inspection conducted on 11/21/99 by DOCARE Officer Reginald Lee. At the time of the inspection, there was no indication that any project work had been initiated.
- b. There was no indication of any discrepancy in the applicant's description of the site conditions/situation.
- c. Officer Lee opined that care should be taken to ensure that the development does not encroach or cause destruction to the King's Trail which runs along the westward portion of the parcel in question.

**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

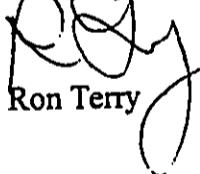
Patricia Edwards, Acting Investigator  
Division of Conservation Resources Enforcement  
c/o Dean Uchida, Administrator  
Hawaii State Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Edwards:

Subject: Draft Environmental Assessment for Zivalic Single Family Home

We received your memorandum of January 3, 2000, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the Draft EA for the proposed project. You noted that field inspections did not indicate any unauthorized initiation of project work or any discrepancy of EA descriptions with actual site conditions. In addition, you stated your concern that the development does not destroy or encroach on the trail on the makai end of the parcel. The applicant agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

Sincerely,

  
Ron Terry



**NA ALA HELE**  
Hawaii Trail & Access System

February 1, 2000

Ron Terry, Ph.D.  
HC Box 9575  
Keaau, HI 96749

Dear Dr. Terry:

**SUBJECT: CDUA-2959(B) & Draft Environmental Assessment  
ZIVLAC Single-Family Home, TMK: (3) 8-7-19: 40  
Kaohe 4<sup>th</sup>, South Kona, Hawaii**


The administrative rules governing lands zoned conservation stipulate the standard for minimum lot size as 10,000 square feet for single family residential construction.

The after-the-fact claim by Na Ala Hele for a 10'-wide alignment on the western boundary of parcel 40 will render the lot "unbuildable" because it will be less than the stipulated standard. Aside from the 10,000 square feet minimum lot size, Na Ala Hele has no objections to CDUA-2959(B). It is, therefore, agreed that Na Ala Hele will not object to the application based on the following conditions:

1. **Following** the construction of the proposed residential unit, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10'-wide alignment on the western boundary of parcel 40.
2. The applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

Thank you for the opportunity to provide a possible solution to this situation.

Sincerely,

  
**RODNEY T. OSHIRO**  
Na Ala Hele

**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575  
Keaau, Hawaii 96749  
(808) 982-5831

February 2, 2000

Rodney Oshiro  
Na Ala Hele Specialist  
P.O. Box 4849  
Hilo, HI 96720

Dear Mr. Oshiro:

**Subject: CDUA/Environmental Assessment for Zivalic Single-Family Dwelling at TMK 8-7-19:40, South Kona**

Thank you for your letter of February 1, 2000, in which you state that Na Ala Hele will not object to the CDUP allowing Mr. Zivalic to build his single-family home, providing certain conditions are met. In compliance with your request, Mr. Zivalic agrees to avoid any disturbance of the trail and to allow unrestricted access along the trail. Following the construction of the proposed home, the applicant will survey and deed to the State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and register with the Bureau of Conveyance, a 10-foot wide alignment on the western boundary of the parcel. Furthermore, the applicant will purchase and install appropriate signage as approved by Na Ala Hele on the northern and southern end of the alignment.

We agree that this approach represents the best solution for all parties. However, we would emphasize that Mr. Zivalic agrees to these conditions with the understanding that the current CDUA covers the subdivision and/or signage for the trail, and that an additional CDUA will not be necessary. If you have any questions or further concerns, please contact me at 982-5831. Thank you very much.

Sincerely,

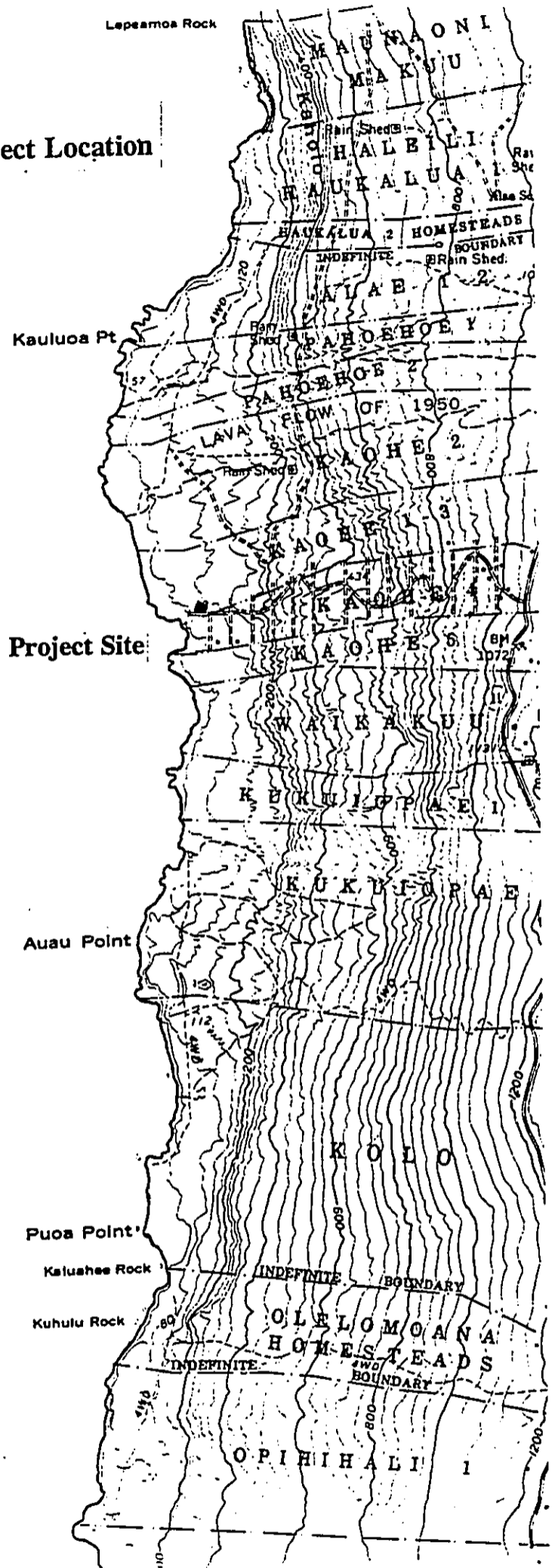
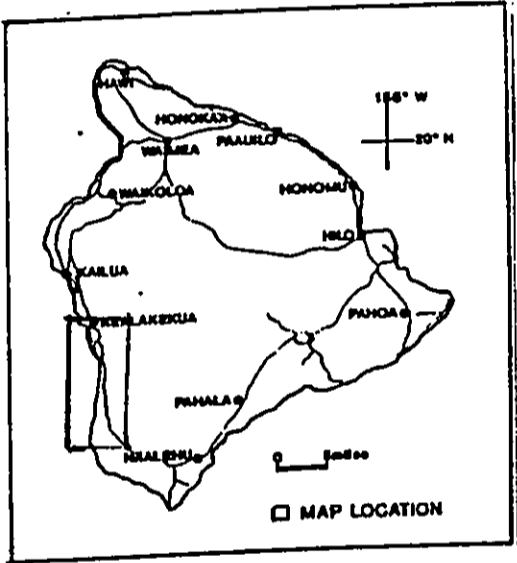
  
Ron Terrycc (via fax): Greg Mooers  
Ed Henry



**APPENDIX 2**

**FIGURES**

**Figure 1**  
**USGS Map Showing Project Location**



Scale 1 inch equals 2000 feet



**Figure 3 Project Site Photographs**

View from mauka edge of Zivalic lot makai



Makai edge of Kona Paradise, 100 ft. makai of Zivalic lot



Vegetation on Zivalic lot: sisal and koa haole



Figure 4  
Site Plan and Architectural Rendering

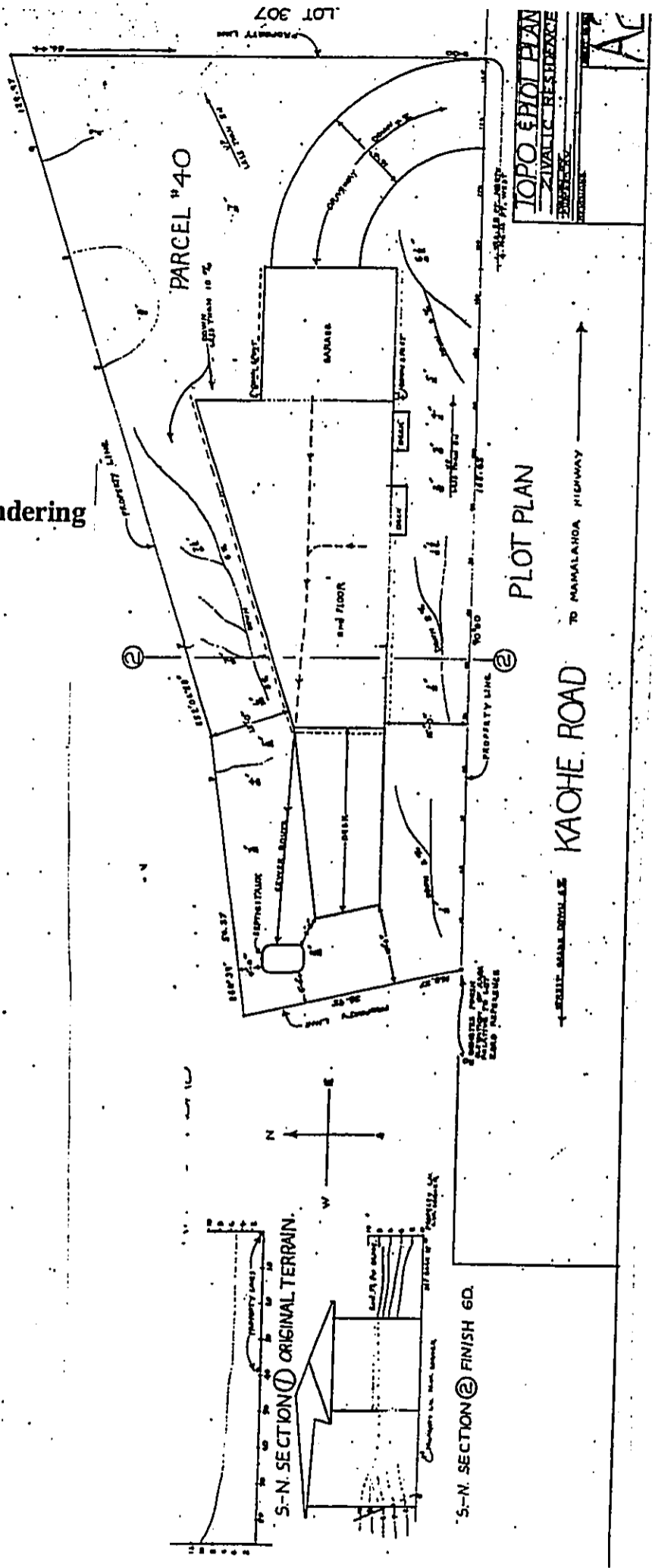
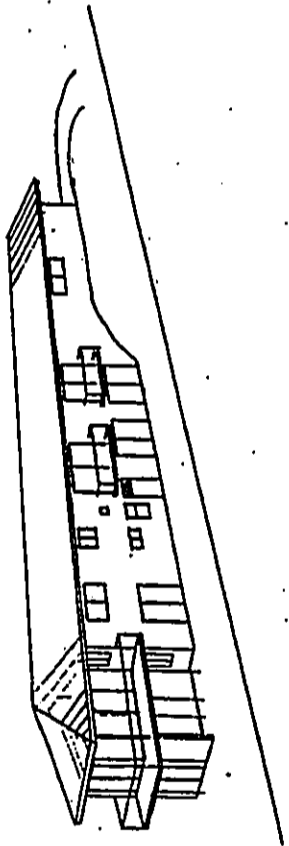
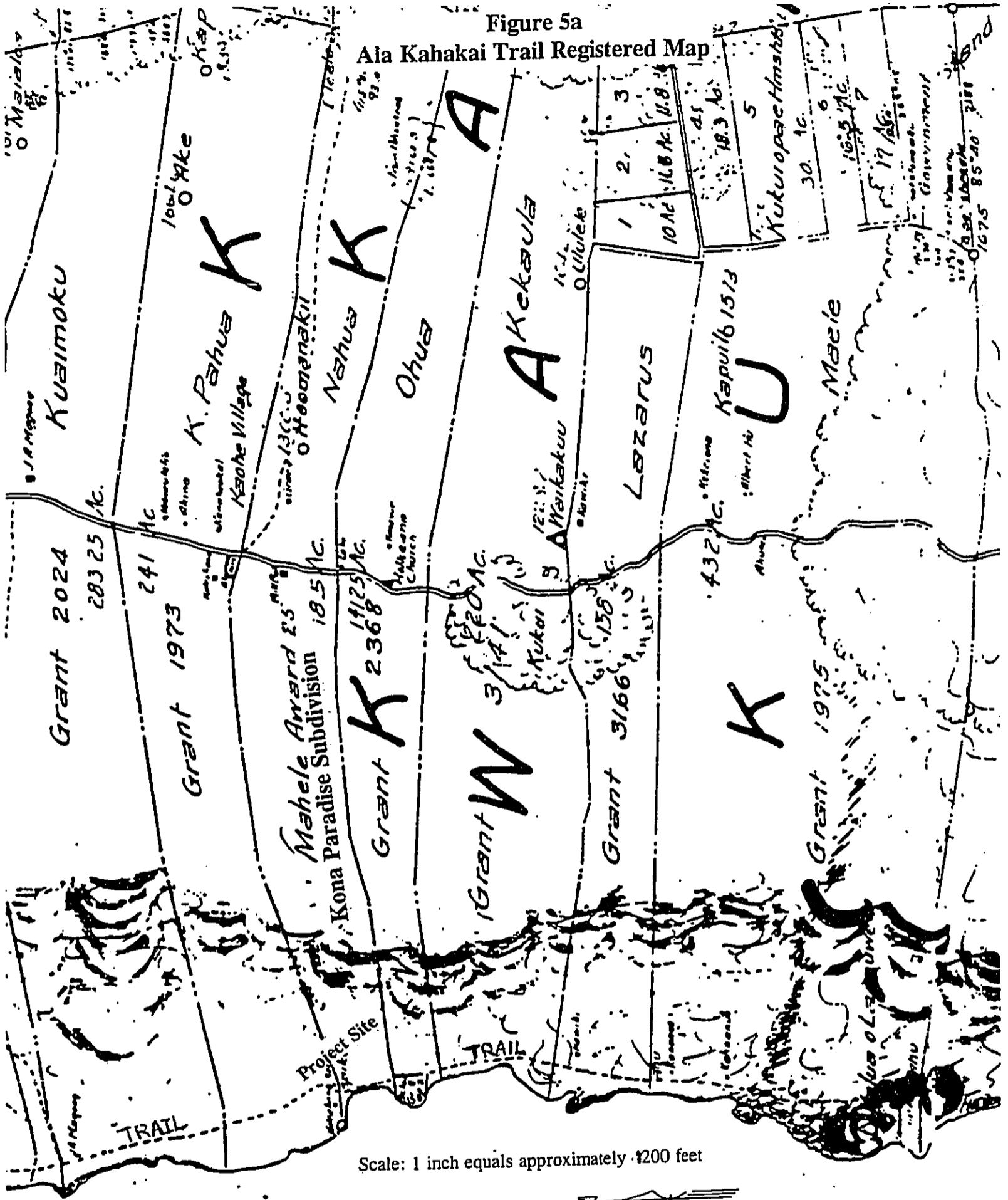


Figure 5a

Ala Kahakai Trail Registered Map

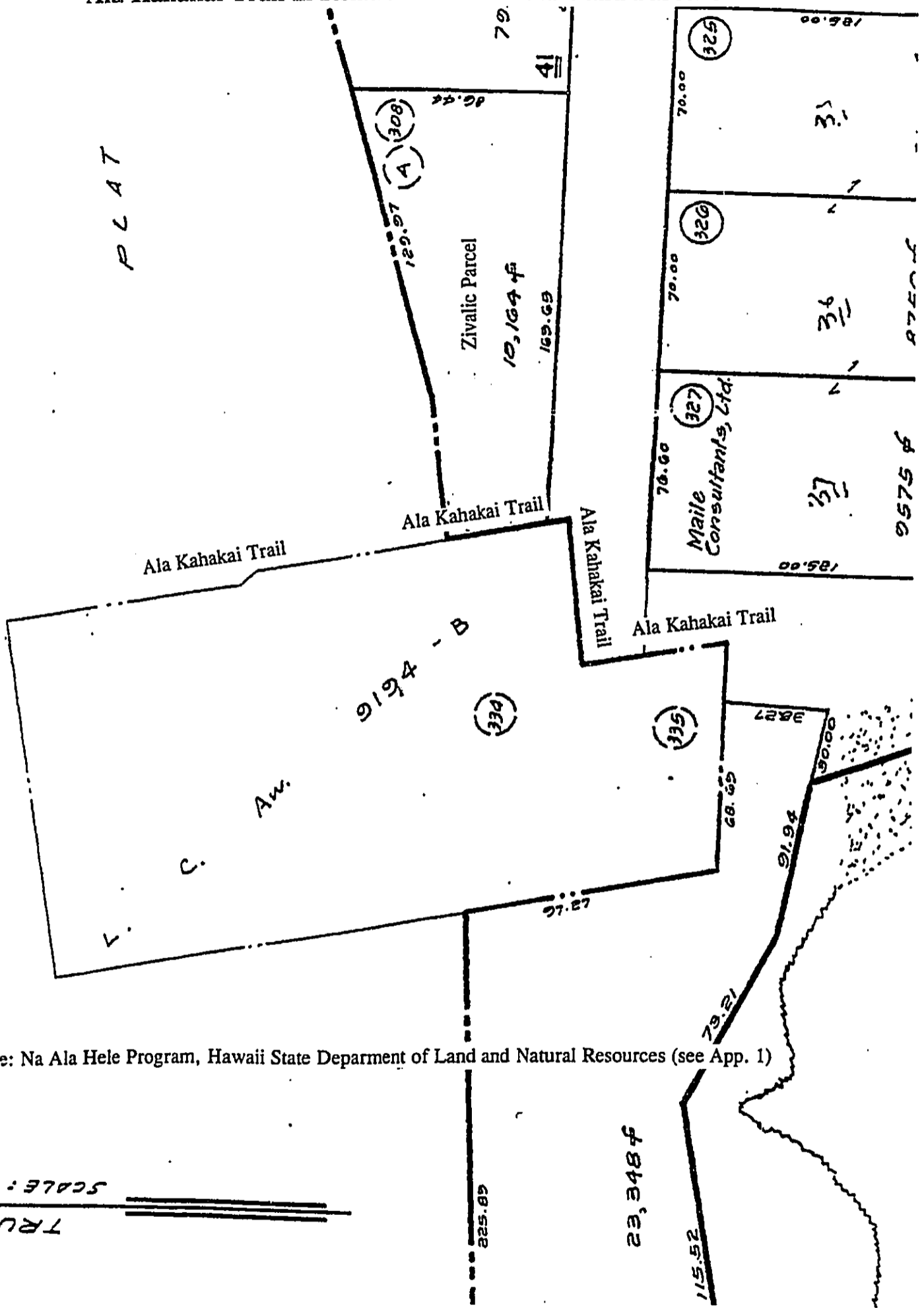


Scale: 1 inch equals approximately 1200 feet



Source: Na Ala Hele Program, Hawaii State Department of Land and Natural Resources

Figure 5b  
Ala Kahakai Trail in Relation to LCAw 9194 and Parcel 8-7-19:40



Source: Na Ala Hele Program, Hawaii State Department of Land and Natural Resources (see App. 1)

TRUE NORTH  
SCALE: 1 in. = 50 ft

**END**

CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2004

DATE

Sammy Yoshimura

SIGNATURE OF OPERATOR

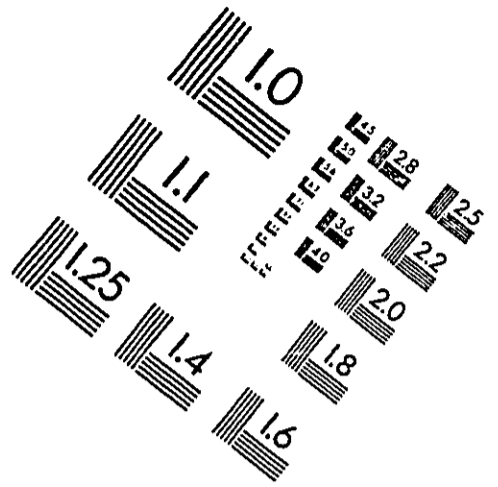
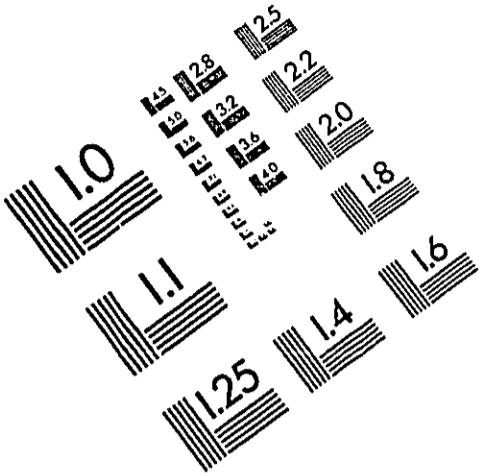




**AIM**

**Association for Information and Image Management**

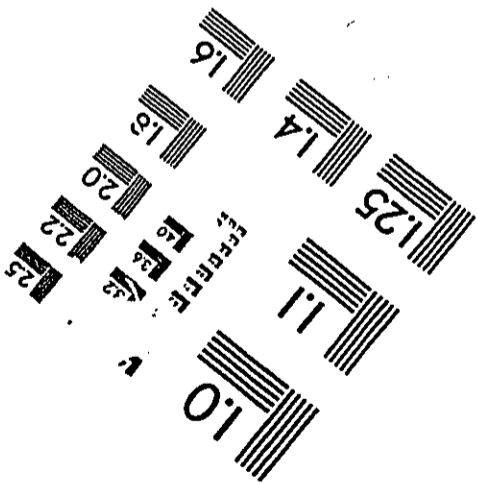
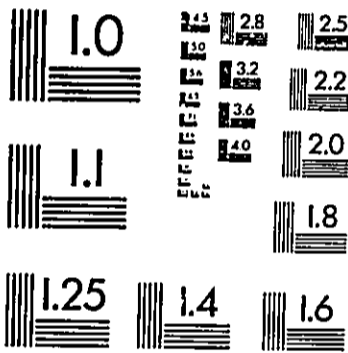
1100 Wayne Avenue, Suite 1100  
Silver Spring, Maryland 20910  
301/587-8202



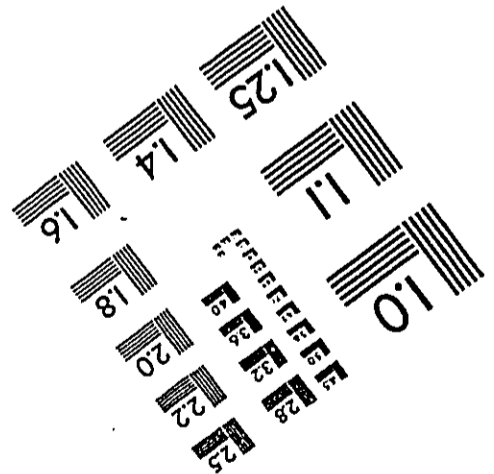
Centimeter



Inches



MANUFACTURED TO AIM STANDARDS  
BY APPLIED IMAGE, INC.



DENSITY TARGET



ADVANCED MICRO-IMAGE SYSTEMS HAWAII