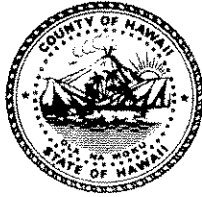


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
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OFFICE OF ENVIRONMENTAL QUALITY

April 21, 2009

Ms. Katherine Puana Kealoha, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Kealoha:

**RE: Final Environmental Assessment/FONSI
Hotel Renovations for King Kamehameha's Kona Beach Hotel
TMK: (3) 7-5-006:020, 21, 24 & 32; 7-5-005:62, 66 & 75, Kailua-Kona, North
Kona, Hawai'i**

The County of Hawai'i Planning Department has reviewed the final environmental assessment for the subject project and has made a Finding of No Significant Impact (FONSI) determination. Please publish notice of availability for this project in the next available edition of the *Environmental Notice*. We have enclosed the following for your information:

- Two copies of the Final EA
- A CD containing the .pdf files for the EA and a WORD file with the OEQC transmittal materials, including the project summary
- A completed OEQC Publication Form
- A distribution list for the Final EA
- A Project Summary
- A sample "Dear Participant" letter to be finalized when the publication date is known

In addition, on April 21, 2008, we provided (by e-mail) a copy the OEQC Publication Form and Project Summary.

Ms. Katherine Puana Kealoha, Director
Office of Environmental Quality Control
April 21, 2009
Page 2

If you have any questions, please call Norman Hayashi or Maija Cottle of this department at 961-8288.

Sincerely,



BJ LEITHEAD-TODD
Planning Director

MJC:smn

P:\wpwin60\Maija\Letters\OEQC\King Kamehameha Hotel Renov FONSI.doc

Encl.: 2 copies Final EA, 1 CD

cc w/o encl.: Mr. Norman Hayashi, Planning Division
Planning Department, West Hawai'i Office
Ron Terry, Ph.D., Geometrician Associates, LLC
Greg Mooers, Mooers Enterprises, LLC

FINAL ENVIRONMENTAL ASSESSMENT

**HOTEL RENOVATIONS, KING KAMEHAMEHA'S
KONA BEACH HOTEL**

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai'i, State of Hawai'i

April 2009

Prepared for:

**County of Hawai'i
Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawai'i 96720**

FINAL ENVIRONMENTAL ASSESSMENT
HOTEL RENOVATIONS, KING KAMEHAMEHA'S
KONA BEACH HOTEL

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai'i, State of Hawai'i

APPROVING AGENCY:

County of Hawai'i
Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawai'i 96720

APPLICANT:

IWF KKH, LLC
2490 Kalakaua Avenue
Honolulu, Hawai'i 96815

CONSULTANT:

Geometrician Associates LLC
P.O. Box 396
Hilo, Hawai'i 96721

CLASS OF ACTION:

Use of Historic District

This document is prepared pursuant to:

The Hawai'i Environmental Policy Act,
Chapter 343, Hawai'i Revised Statutes (HRS), and
Title 11, Chapter 200, Hawai'i Department of Health Administrative Rules (HAR).

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SUMMARY OF THE PROPOSED ACTION, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

IWF KKH, LLC proposes to renovate King Kamehameha's Kona Beach Hotel and its grounds. The most noticeable change would be demolition of the poolside retail portion of the central arcade structure located between the two hotel towers. This area would be the location for a new pool area and a partial open air gallery. The location of the former Liberty House Store will become a lecture hall, museum, and gallery for exhibiting and interpreting the cultural artifacts currently displayed throughout the hotel. The existing pool and bar area, which is now makai of the hotel, would be removed and replaced by a pool deck pulled closer to the hotel central core, along with walkways and enhanced landscaping, resulting in more open area near the shoreline. The existing conference and banquet facilities will be completely refurbished and a small pre-function vestibule area will be added. Additional parking will be made available through more efficient site planning. The interior and exterior renovation would slightly modify the overall appearance of the hotel to be more reflective of the surroundings. The project is necessary because this landmark hotel, built in 1975, is aging, and in need of major renovations.

Because the renovations and landscaping will disturb more than one acre of ground, the contractor will obtain an NPDES permit and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to contain sediment and storm water runoff during construction. Furthermore, construction equipment shall be kept in good working condition to minimize the risk of fluid leaks that could enter runoff and groundwater. Significant leaks or spills, if they occur, shall be properly cleaned up and disposed of at an approved site. A dust management plan will be prepared and implemented to mitigate the potential for the release of dust and other particulate pollutants during the project phase. Impacts to threatened and endangered flora and fauna will not occur, as none are present. In order to reduce traffic impacts, construction vehicles will be mobilized to and from the project site only during off-peak hours. No short or long term traffic impacts are expected. Apart from minor construction-phase visual impacts, the project will create a more visually appealing structure and grounds. While it should be recognized that the reconstructed features of Ahu'ena House and Hale nana mahina 'ai may no longer hold archaeological significance, they hold great cultural significance for modern practitioners. Ahu'ena House and Hale nana mahina 'ai, along with the cultural activities that take place there, are considered sacred by Hawaiian cultural practitioners. All of the area proposed for active work as part of the actual renovations of the Hotel has previously been disturbed as part of various activities in the past, and this area is all in active use as part of the Hotel and its grounds today. In order to avoid impacts to the existing features of Kamakahonu, all these features need to be protected against impacts during the proposed renovation activities by measures such as temporary fencing, contractor education, and monitoring, which should be developed in coordination with Ahu'ena Heiau Inc. and other concerned parties. To mitigate potential effects to possible buried archaeological resources or human remains within the already disturbed areas of Kamakahonu and adjacent areas in which the renovation will occur, archaeological monitoring is recommended during subsurface demolition or development activities. Such monitoring will provide for an immediate response if any such resources are discovered. It is furthermore recommended that the Hotel, in cooperation with historical and cultural groups, undertake to educate visitors and kama'aina alike about the significance of Kamakahonu. Finally, ~~to the greatest degree reasonable~~, the Hotel ownership will ~~should~~ ensure access to Ahu'ena by cultural practitioners during the proposed renovation.

PART 1: PROJECT DESCRIPTION, LOCATION AND ENVIRONMENTAL ASSESSMENT PROCESS

1.1 Project Location, Description and Ownership

IWF KKH, LLC (“the Hotel owner”) proposes to renovate King Kamehameha’s Kona Beach Hotel and its grounds. The most noticeable change would be demolition of the poolside retail portion of the central arcade structure located between the two hotel towers. This area would be the location for a new pool area and a partial open air gallery. The location of the former Liberty House Store will become a lecture hall, museum, and gallery for exhibiting and interpreting the cultural artifacts currently displayed throughout the hotel. The existing pool and bar area, which is now makai of the hotel, would be removed and replaced by a pool deck pulled closer to the hotel central core, walkways, and enhanced landscaping, resulting in more open area near the shoreline. The existing conference and banquet facilities will be completely refurbished and a small pre-function vestibule area will be added. Additional parking will be made available through more efficient site planning. The interior and exterior renovation would slightly modify the overall appearance of the hotel to be more reflective of the surroundings. The project is necessary because this landmark hotel, built in 1975, is aging, and in need of major renovations.

Renovations would reduce the overall ground floor area from 99,297 square feet (sf) to 93,617 sf, a figure which accounts for 7,434 sf of demolition, and 1,754 sf of additions, yielding a net reduction of 5,680 sf. (see Appendix 1 for selected sheets of the architectural site plans). Additions include a new pre-function vestibule and a service corridor along the banquet rooms. The number of guest rooms will decrease by four to 456. The restaurant will be completely refurbished and upgraded as will all the ground floor public spaces. The overall project reduces the current retail use by 18,041 sf. It converts over 11,000 sf into a cultural center/artifacts museum; administrative offices; and an open air gallery. The County Code requires 443 spaces for the areas discussed above; by utilizing the area of the existing tennis courts and green house along with more efficient parking layout, a total of 622 stalls will be made available, bringing a surplus of 179 parking spaces to the hotel.

Although no historic properties or their features would be affected by the project, preparation of an EA is required because a portion of the hotel is located on a 1.616-acre parcel (TMK 7-5-006:032) that is listed on the National and State Register of Historic Places. This parcel is notable as the location, along with that of the adjacent parcel (TMK 7-5-006:024), of Kamakahonu, Kamehameha I’s residence. No work would be done in the vicinity of the historic sites associated with Ahu’ena Heiau and Kamakahonu, famed for their association with Kamehameha I, nor would work be done in the lawn area around the shoreline. Very limited actions are planned in the makai area of the grounds. Several trees would be planted near the southwest corner of the west tower and walkways would be constructed on the hotel side of the S-shaped concrete walk that fronts the shoreline area (see Site Plan in Appendix 1).

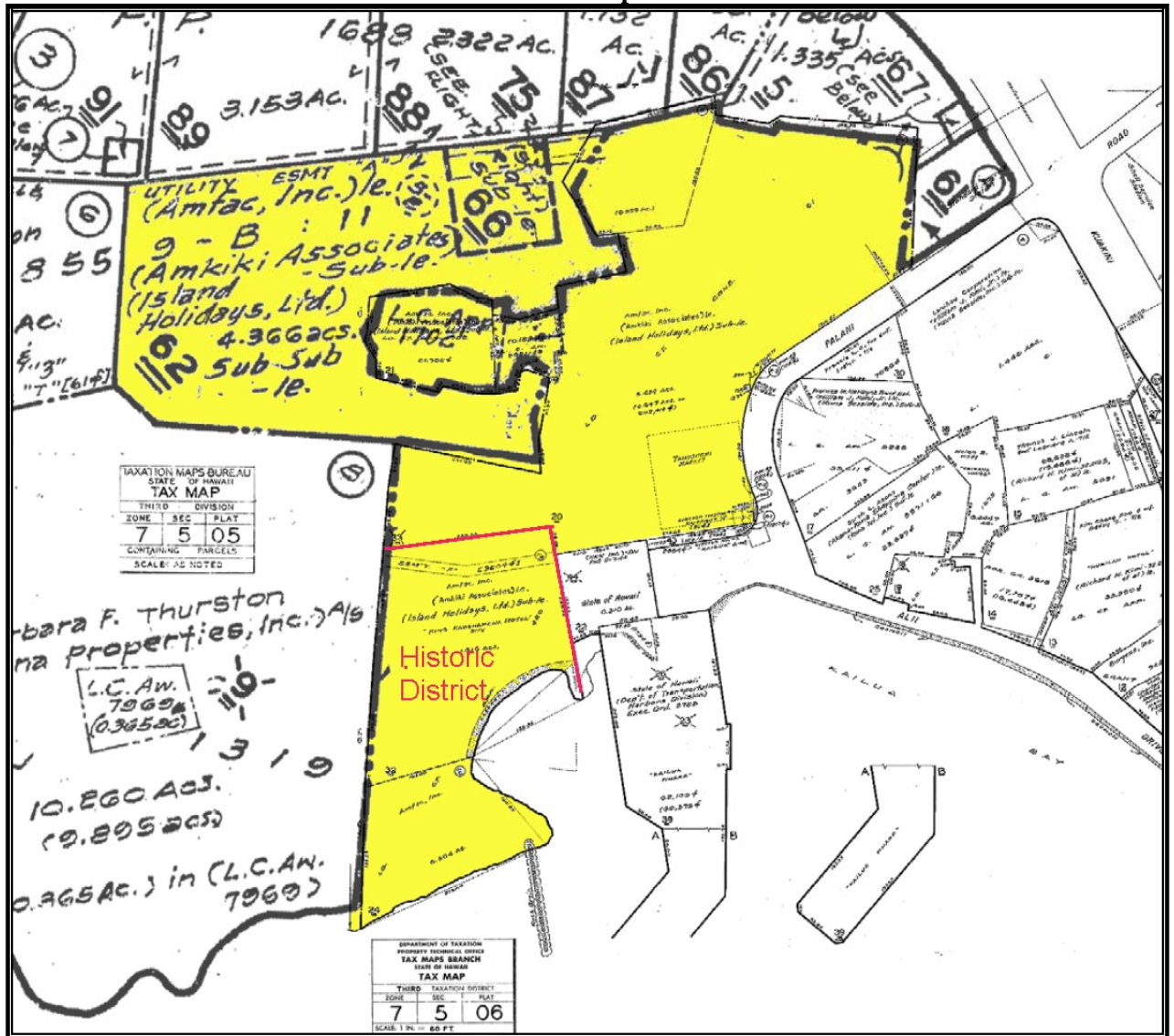
The development of this project will take approximately 18 months to complete. The renovations and improvements will cost in excess of \$25 million including demolition; furniture; fixtures and equipment; landscaping; swimming pool; tenant improvements and guest room renovation.

Figure 1
Project Location



IWF KKH, LLC leases the Hotel and its grounds from the owners, who are HKK Management, Inc., for TMKs 7-5-006:020, 021, 024 and 032, and Lanihau Properties, LLC, for TMKs 7-5-005:062, 066 and 075.

Figure 2
TMK Map



Project site parcels are shaded.

1.2 Environmental Assessment Process

This Environmental Assessment (EA) process is being conducted in accordance with Chapter 343 of the Hawai‘i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai‘i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai‘i. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 4 of this document states the anticipated finding that no significant impacts are expected to occur; Part 5 lists each criterion and presents the conclusions for each made by the applicant. If, after considering comments to the Draft EA, the Planning Department concludes that no significant impacts would be expected to occur, then this agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the Planning Department concludes that significant impacts are expected to occur as a result of the proposed action, then an Environmental Impact Statement (EIS) will be prepared.

Figure 3. Project Site Photos
3a: Airphoto



Figure 3. Project Site Photos
Top (3b): Beach and Hotel; Bottom (3c): Makai Recreational Area



Figure 3. Project Site Photos

Top (3d): Hotel from Palani Road; Bottom (3e): Current View from Back of Hotel Makai



1.3 Public Involvement and Agency Coordination

The following agencies and organizations were consulted in development of the environmental assessment:

State:

Department of Land and Natural Resources, Historic Preservation Division
Department of Land and Natural Resources, Division of Forestry and Wildlife
Department of Land and Natural Resources, Office of Conservation and Coastal Lands
Department of Land and Natural Resources, Boating Division
Board of Land and Natural Resources
Office of Hawaiian Affairs

County:

Planning Department
Public Works Department
Police Department
County Council
Civil Defense

Private:

Sierra Club
Kona Hawaiian Civic Club
Kona Outdoor Circle
Kuakini Hawaiian Civic Club of Kona
Kona Kohala Chamber of Commerce
Ahu'ena Heiau, Inc.
Kulana Huli Honua

Copies of communications received during early consultation are contained in Appendix 3a. Copies of the Draft EA have also been sent to Moku O Hawai'i Canoe Racing Association and the Kai Opua Canoe Club.

Appendix 3b contains written comments on the Draft EA and the responses to these comments. Various places in the EA have been modified to reflect input received in the comment letters; additional or modified non-procedural text is denoted by double underlines, as in this paragraph.

PART 2: ALTERNATIVES

2.1 No Action

Under the No Action Alternative, the renovations and landscaping changes would not be undertaken. This alternative is considered highly undesirable by IWF KKH, LLC as it would not correct the currently degraded condition of the hotel and would likely jeopardize the Hotel's financial viability. This avoidable situation would harm not only the Hotel's owners, but also Hotel employees and the general community.

2.2 Alternative Locations or Strategies

Because the Hotel property is unique there is no reasonable alternative location to perform a similar project. A possible alternative, which has been considered by IWF KKH, LLC, is to demolish the existing structure and construct an entirely new hotel. Because the Hotel structure is still in good condition, renovation is a far more fiscally responsible choice for the Hotel owners to pursue rather than this much more costly alternative, which would also involve more energy, materials, and solid waste generation.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Basic Geographic Setting

The Hotel and its grounds are referred to throughout this EA collectively as the *project site*. The term *project area* is used to describe the urban center of Kailua-Kona and in some cases, the North Kona District.

The project site is located makai of Palani Road (see Figures 1-3), a two-lane, County roadway that serves as one of several arterial connectors between SR 19 (Queen Ka‘ahumanu Highway), SR 190 (Mamalahoa Highway), SR 11 (Kuakini Highway) and Ali‘i Drive, the main makai thoroughfare between Kailua-Kona and Keauhou. The vegetation of the project area has been completely modified by landscaping. Adjacent land is generally developed for urban uses around Kailua-Kona, with the exception of several residences to the southwest. The average maximum daily temperature is approximately 80 degrees F., with an average minimum of 68 degrees, and annual rainfall averages approximately 40 inches (U.H. Hilo-Geography 1998:57).

3.1 Physical Environment

3.1.1 Geology, Soils and Geologic Hazards

Environmental Setting

Geologically, the project site is located on the lower flank of Hualalai volcano. The surface consists of lava flows of the Hualalai volcanics series of age greater than 10,000 years old, with a portion of the site surfaced by younger flows 1,500 to 3,000 years old (Wolfe and Morris 1996). The project site’s soils are classified by the U.S. Natural Resources Conservation Service (formerly Soil Conservation Service) as raw pahoehoe (rLW) lava flow, having no developed soils (U.S. Soil Conservation Service 1973).

The site is located on the north end of Kailua Bay in the ahupua‘a of Lanihau. A portion of the project site abuts the shoreline along the small cove named Kamakahonu. The project site elevation varies from sea level to approximately 15 feet above mean sea level.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the U.S. Geological Survey in this area of North Kona is 4 on a scale of ascending risk 9 to 1 (Heliker 1990:23). The high hazard risk is based on the fact that Hualalai has erupted in the historical period (e.g., 1801), with nearby lava flows at Keahole from an 1801 eruption. Volcanic hazard zone 4 areas have had about 5% of land area covered by lava or ash flows since the year 1800, and are at lower risk than zone 3 areas because of their greater distances from recently active vents and/or because the local topography makes it less likely that flows will cover these areas. All of Hualalai, including the lower flanks, is considered volcanic hazard zone 4 because Hualalai is steeply sloping, with a relatively short distance from vents to the coast as compared to Mauna Loa and Kilauea volcanoes.

In terms of seismic risk, the entire Island of Hawai‘i is rated Zone 4 Seismic Hazard (Uniform Building Code, 1997 Edition, Figure 16-2). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built. The project site does not appear to be subject to subsidence, landslides or other forms of mass wasting.

Impacts and Mitigation Measures

In general, geologic conditions do not appear at this time to impose any overriding constraints on the project, and no mitigation measures are expected to be required. However, it is recognized the much of the surface of Hawai‘i Island is subject to eventual lava inundation, and that infrastructure in places such as Kailua face this risk. However, there are no alternative locations or strategies. As much of the project area has a similar hazard, geologic hazards impose no particular constraints on the proposed action, and the renovations are not imprudent to construct.

Because the No Action Alternative would not preclude use of the Hotel, it would provide no less risk to life and property from geologic hazards.

3.1.2 Drainage and Flooding

Existing Environment

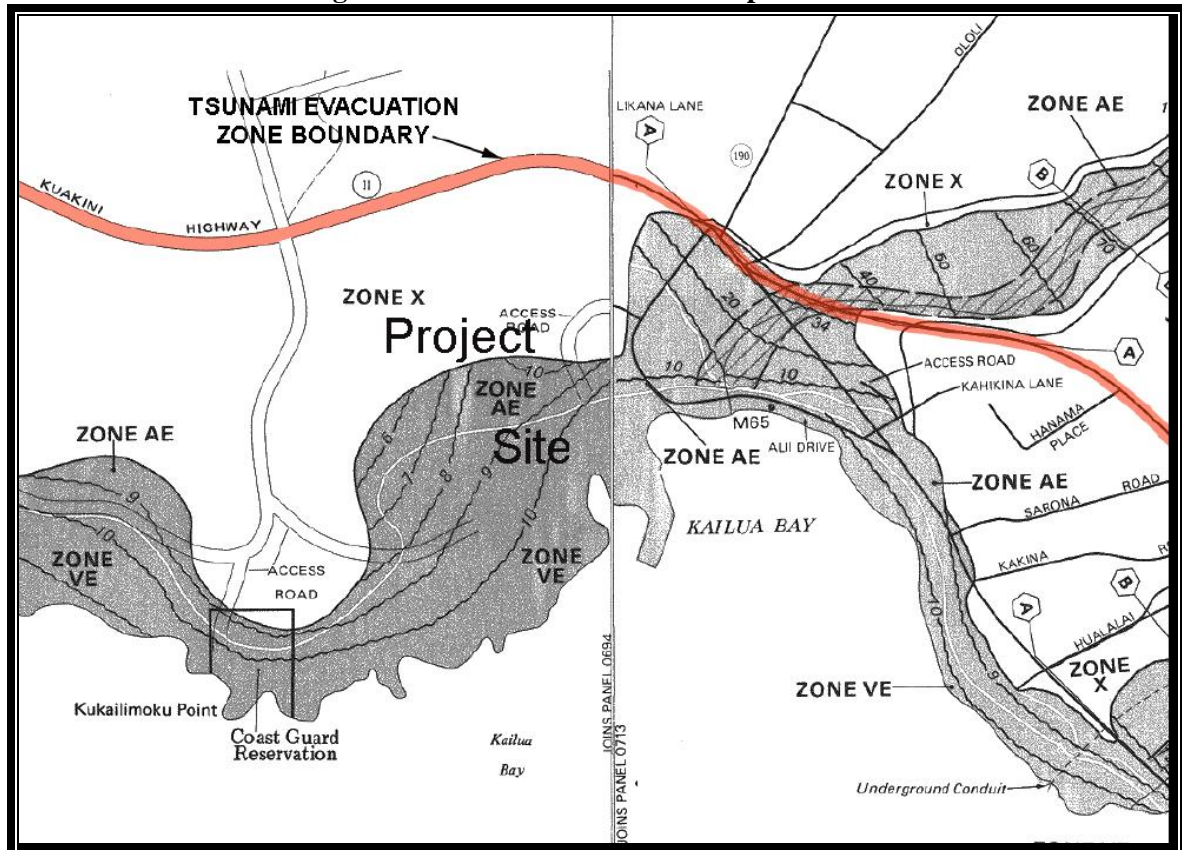
The project site sits adjacent to the northern edge of Kailua Bay. There are no freshwater resources in the project area. No stream poses a flooding hazard to the project site; however, some of the site can be threatened by coastal flooding as well as tsunami inundation. The Flood Insurance Rate Maps (FIRM) 1551660694C and 1551660713D (Figure 4) show that about half of the site is located in Flood Zone VE and Flood Zone AE. Flood Zone VE is defined as the special flood hazard area that corresponds to the 100-year coastal flood plains that have additional hazards associated with storms waves. Flood Zone AE is defined as the zone that corresponds to the 100-year floodplain as determined in a Flood Insurance Study by detailed methods. These areas are more commonly known as coastal high hazard areas or tsunami inundation zones.

Impacts and Mitigation Measure

Because the site is located within the coastal flood and tsunami inundation zones the Hotel currently maintains, and will continue to maintain, evacuation plans for coastal flooding and potential tsunami inundation, as well as the required flood insurance.

Any increase in the amount of storm water runoff due construction of impermeable surface will be contained on-site, as required by County Code. All renovations will comply with applicable sections of Chapter 27, Floodplain Management, Hawai‘i County Code, for the VE and AE flood zone, as well as Chapter 10 of the County Code related to Erosion and Sedimentation Control. Both the unpaved (temporary) and paved parking areas will include engineered drainage, in conformance with applicable regulations, that will promote infiltration of storm water runoff and will therefore serve to both protect and improve area surface water quality in the long-term, and also will prevent storm water runoff leaving the site.

Figure 4. Flood Insurance Rate Map



3.1.3 Water Features and Water Quality

Existing Environment

The only water features in the area are the coastal waters of Kailua Bay. The marine habitat in this area consists of sandy beaches, well used by humans, beyond which is a typical West Hawai'i reef platform. Many reef corals and other benthic fauna find this an ideal habitat. At about 50 feet in depth, there is a third zone with different coral species. Other important organisms in all zones are sea urchins, sea cucumbers, sponges, red calcareous algae, and various mollusks and crustaceans. The reef fish populations are typical of those throughout West Hawai'i, and include many food fish taken by subsistence and/or recreational fishermen. Surgeon fishes, parrotfish, damselfish, and wrasses are all very common.

Several species of marine animals that occur in Hawaiian waters have been declared threatened or endangered under federal law. The threatened green sea turtle (*Chelonia mydas*) is commonly found along the Kona Coast, while the endangered hawksbill turtle (*Eretmochelys imbricata*) is known infrequently from Kona. Populations of the endangered humpback whale (*Megaptera novaeangliae*) winter in Hawaiian waters from December to April. Individuals of the endangered Hawaiian monk seal (*Monachus schlauslandi*), which are much more common in the Northwestern Hawaiian Islands, are occasionally seen in the area.

Preservation of water quality is an important goal, even in this urban area, as clean coastal waters support valuable ecological communities, native Hawaiian fishing and gathering practices, subsistence and commercial fishing, and tourism and economic activity. Fortunately, coastal water quality in urban Kona, which lacks the heavy industry, history of intensive agriculture, or other factors that lead to contamination, is generally good (U.S. EPA 2000). However, the Natural Resources Defense Council (<http://www.nrdc.org/water/oceans/ttw/ttw2008.pdf>) has reported exceedances of bacteria in water quality at certain beaches, which local water quality scientists attribute mainly to wastewater (Hawai'i Tribune Herald: August 6, 2008, page 1).

Natural factors promoting good water quality are the volcanic geology also favors fast circulation of recharging groundwater, which also prevents substantial mineral accumulation, but can also lead to fast delivery of nutrients. The high energy of the shoreline zone leads to rapid mixing of the small amount of pollutants that do arrive.

Factors that potentially impair coastal water quality in urban Kona are wastewater, chemical contaminants from urban uses, and polluted runoff. The typical pathway of pollutants is via groundwater, as there are no surface streams and runoff directly into the ocean is generally not substantial except during rare episodes of intense rainfall when drainage channels have large flows.

Much of Kona's wastewater, especially that associated with new urban development in the Kailua-to-Keauhou corridor, is treated in municipal facilities at the County's Kealakehe Wastewater Treatment Plant (WWTP), and the He'eia WWTP in Keauhou, owned and operated by Kamehameha Investment Corporation. Although central wastewater treatment plants are important to maintaining water quality, there are questions about whether the County's practice of pouring partially treated effluent into an unlined hole about three-quarters of a mile from the shoreline in Honokohau may be inducing water quality impacts. Furthermore, despite the significant amount of treated wastewater, many older and scattered parts of Kona continue to rely on cesspools and septic systems.

In terms of effects on groundwater, U.S. EPA and Department of Water Supply Annual Water Quality Reports for wells and water systems indicate no health-based or monitoring violations in at least the past 10 years. (<http://oaspub.epa.gov/enviro/>). Although some chemical contamination has been found (Hawai'i State DOH 2003), levels have been below EPA acceptable limits.

Another source of water pollution is runoff from developed properties, which can carry chemicals, sediments and nutrients. Although not a chronic problem, periodic acute episodes have occurred in some construction sites. Proper implementation and enforcement of construction BMPs are important to safeguard water quality. After construction, reducing contamination relies on confining runoff, particularly "first-flush" runoff, which contains most of the contaminants, to drainage structures which capture and retain many of the pollutants, especially sediments.

Impacts and Mitigation Measures

In general, water quality impacts from the renovation activities and continuing operation of the Hotel should continue to be modest and within the capacity of the natural ecosystem to absorb. Wastewater will continue to be treated at the Kealakehe WWTP, which may be required to

upgrade or modify its treatment to respond to water quality concerns. Operationally, no substantial amounts of pollutants are generated that could affect water quality, and Hotel personnel are trained and procedures are in place to minimize pollution and respond to spills of cleaning fluids, solvents, paint and spills, should they occur.

Construction-phase impacts have the potential to produce uncontrolled excess sediment from soil erosion during and after excavation and construction that may impact natural watercourses, water quality and flooding. Contaminants associated with heavy equipment and other sources during construction have the potential to impact surface water and groundwater if not mitigated effectively. In order to minimize the potential for sedimentation and erosion of shoreline areas, the contractor shall perform all earthwork and grading in conformance with Chapter 10, Erosion and Sediment Control, Hawai'i County Code. Because the project will disturb more than one acre of soil, a National Pollutant Discharge Elimination System (NPDES) permit must be obtained by the contractor before the project commences. This permit requires the completion of a Storm Water Pollution Prevention Plan (SWPPP). In order to properly manage storm water runoff, the SWPPP will describe the emplacement of a number of best management practices (BMPs) for the project. These BMPs may include, but will not be limited to, the following:

- Minimization of soil loss and erosion by revegetation and stabilization of slopes and disturbed areas of soil, possibly using hydromulch, geotextiles, or binding substances, as soon as possible after working;
- Minimization of sediment loss by emplacement of structural controls possibly including silt fences, gravel bags, sediment ponds, check dams, and other barriers in order to retard and prevent the loss of sediment from the site;
- Minimizing disturbance of soil during periods of heavy rain;
- Phasing of the project in order to disturb a minimum necessary area of soil at a particular time;
- Application of protective covers to soil and material stockpiles;
- Construction and use of a stabilized construction vehicle entrance, with designated vehicle wash area that discharges to a sediment pond;
- Washing of vehicles in the designated wash area before they egress the project site;
- Use of drip pans beneath vehicles not in use in order to trap vehicle fluids;
- Routine maintenance of BMPs by adequately trained personnel; and
- Cleanup and disposal at an approved site of significant leaks or spills, if they occur.

3.1.4 Flora, Fauna and Ecosystems

Existing Environment

The only native plants found in the Hotel grounds are those utilized in landscaping, as no natural communities exist in the area proposed for renovation. No plants listed, or proposed for listing, as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS)were found, or would be expected to be found, within or near the project site (USFWS 2008). Introduced plants utilized in landscaping include crotons, coconuts, kukui, bougainvillea, banana, ti, Madagascar

periwinkle, plumeria, and many others. A large banyan tree graces the area between the hotel and the pier. Several common native coastal species are also represented in the landscaping, including naupaka, milo, and hala.

No listed (or proposed) threatened or endangered or otherwise rare bird or mammal species were observed within or are likely to inhabit the project site. It is unlikely that any endangered forest birds or seabirds, which range widely around the island of Hawai‘i, would find the urban setting suitable habitat for either nesting or foraging.

Because the project site is so highly developed it would not be expected to provide habitat to native birds or the only native mammal, the Hawaiian Hoary Bat. Fauna on the site are the typical non-native species found in Hawai‘i, including cats, mongoose, rats, mice, myna birds, cardinals, etc.

In terms of conservation value, no botanical or zoological resources requiring special protection are present.

Impacts and Mitigation Measures

Because of the lack of native ecosystems, or threatened or endangered plant species, no adverse impacts would occur as a result of landscaping and improvements.

3.1.5 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in West Hawai‘i is mainly derived from volcanic emissions of sulfur dioxide, which convert into particular sulfate and produce a volcanic haze (vog) that frequently blankets North and South Kona. Vehicle traffic may also contribute to air pollution in the project area, although it is generally dispersed by wind.

Noise on the project site varies from moderate to high, and is derived from a variety of sources including motor vehicles on Palani Drive, cruise ship and associated vessels, tour buses and airplanes, and hotel activities, with occasional noise from road maintenance, industrial and commercial activities.

The Hawai‘i County General Plan, which provides guidance for preservation of areas of natural and scenic beauty during development, discusses scenic areas in North Kona as follows:

“The Kona districts have long attracted people because of their natural beauty. Although man-made structures are in some places dominant, the vast expanse of the Kona landscape is still the area’s most striking feature.

North Kona, in the area called Kekaha, is characterized by a sense of openness created by expansive areas of lava flows. Vegetation on the lava is comprised of low pockets of grasses and scrub trees. From the coastline, the land climbs slowly to the distant saddle plateau between Mauna Kea and Mauna Loa. This long natural grade also contributes to the sense of openness and space.

The rest of North Kona is dominated by Hualalai. Its steep slopes provide a green backdrop when viewed from the coast, or spectacular views of the coastline, ocean and horizon from higher elevations.

Part of Kona's natural beauty is also due to the wide range of climatic conditions in a relatively short distance. Such variations extending from the coastal areas to the higher elevations are evidenced by changes in vegetation, producing a wide scope of different physical environments."

No specific scenic views are listed in the General Plan in or near the project site, but views of and along the shoreline have high scenic quality, as they involve curving lines of turquoise water and pocket beaches, backed by scenic coconut and banyan trees as well as resort buildings, some of which reflect the character of small-town Kailua-Kona. The General Plan calls for preserving natural beauty by carefully considering the effects of proposed construction during all land use reviews in order to protect scenic vistas and viewplanes from becoming obstructed.

Lands uses surrounding the project site are resort, commercial, boating, shoreline recreation, undeveloped land, and historic sites, as shown in Figure 3a. Existing visual corridors are affected by these adjacent land uses. Currently, views of and along the shoreline from Ali'i Drive, the Kailua Pier, and Kamakahonu Beach are not obscured or affected greatly by the Hotel (see Figures 3b-c). Views from Ahu'ena Heiau in all directions have a foreground (and in some cases a middle ground) that is unaffected by development, but almost all background views involve developed uses including the Hotel, the pier, or a shoreline lined by commercial uses. Views from areas immediately surrounding the hotel are naturally blocked by the bulk of the structure (see Figure 3d-e).

Impacts and Mitigation Measures

Short term direct and indirect impacts to air quality could potentially occur due to project construction, principally through: 1) fugitive dust from vehicle movement, landscaping and demolition activities; 2) exhaust emissions from onsite construction equipment and 3) emissions from other renovation activities such as painting and sand blasting. The State of Hawai'i Air Pollution Control Regulations (Chapter 11-60, HAR) prohibit visible emissions of fugitive dust from construction activities beyond the property line. Thus, an effective dust control plan for the project construction phase is essential.

In order to minimize impacts from dust, the contractor will prepare a dust control plan compliant with provisions of HAR Chapter 11-60.1, "Air Pollution Control," and Section 11-60.1-33, "Fugitive Dust". Adequate fugitive dust control can usually be accomplished by the establishment of a frequent watering program to keep bare dirt surfaces in construction areas from becoming significant sources of dust. In dust prone or dust sensitive areas, other control measures such as limiting the area that can be disturbed at any given time, applying chemical soil stabilizers, mulching and/or using wind screens may be necessary. Control regulations further stipulate that open bodied trucks be covered at all times when in motion if they are transporting materials that could be blown away. Demolition activities, being varied in character, may require a variety of control measures including containment and wetting. Haul trucks tracking dirt onto paved streets from unpaved areas are often a significant source of dust in construction areas.

Some means to alleviate this problem, such as road cleaning or tire washing, may be appropriate. Establishment of landscaping as early in the construction schedule as possible can also lower the potential for fugitive dust emissions.

Onsite mobile and stationary construction equipment also would emit air pollutants from engine exhausts. The largest of this equipment is usually diesel powered. Nitrogen oxide emissions from diesel engines can be relatively high compared to gasoline powered equipment, but the standard for nitrogen dioxide is set on an annual basis and is not likely to be violated by short-term construction equipment emissions. Carbon monoxide emissions from diesel engines, on the other hand, are low and should be relatively insignificant compared to vehicular emissions on nearby roadways.

In order to avoid air quality impacts from slow moving construction vehicles traveling to and from the site on major roadways, heavy construction equipment should be moved on-site during periods of low traffic volume.

Development would entail limited excavation, grading, compressors, vehicle and equipment engine operation, and construction of new infrastructure. These activities would generate noise exceeding 95 decibels at times, impacting nearby sensitive noise receptors. In cases where construction noise is expected to exceed the Department of Health's (DOH) "maximum permissible" property line noise levels, contractors would obtain a permit as per Title 11, Chapter 46 HAR (Community Noise Control) prior to construction. DOH would review the proposed activity, location, equipment, project purpose, and timetable in order to decide upon conditions and mitigation measures, such as restriction of equipment type, maintenance requirements, restricted hours, and portable noise barriers.

Some minor, temporary and unavoidable adverse visual impacts would occur during the construction phase. The project would result in a Hotel and grounds that would be more visually appealing than at present.

The proposed renovation of the King Kamehameha Hotel would not involve adverse impacts to existing scenic views. No vertical expansion of the six-story towers is involved. Considerable mass will be subtracted by removing the commercial lobby between the two towers. The only addition to the horizontal bulk of the hotel will be slight expansions to the existing lobby area and meeting space, which is tucked in an alcove of the existing hotel on the mauka side and would not affect any view planes. The modernization and improvement to the outer surfaces of the hotel, including paint, trim and glass, would provide a more attractive building that contributes to the architectural quality of this resort setting.

Landscaping currently adds beauty and character to the grounds of the building and helps the hotel visually harmonize with its shoreline setting. This landscaping will be expanded and improved. The most significant beneficial impact will be the opening up of the commercial lobby area that connects the two towers. Relocating the pool more mauka and limiting the number, density and height of structures between the two towers will provide a new, deep viewplane in an area that currently is limited to the pool deck area. Viewplanes from the beach towards the hotel, which currently involve a clutter of structures and material types, will also improve.

3.1.6 Hazardous Substances, Toxic Waste and Hazardous Conditions

Existing Conditions, Impacts and Mitigation

In general, due to the character of the project site, it is not expected that any hazardous substances, toxic waste, and hazardous conditions exist apart from identified and legitimate uses including chemicals used to treat swimming pool water and cleaning compounds. However, hazardous materials including asbestos, lead-based paint, and PCBs, may be present in building materials. Therefore, prior to demolition activities, all work areas will be surveyed for building materials that contain these hazardous components and, if such materials are identified they will be removed according to applicable laws. Regulated asbestos containing materials (RACM) will be removed by an EPA certified contractor in compliance with NESHAP. If any other hazardous materials are identified they will similarly be removed by qualified contractors prior to the commencement of demolition and construction activities. Further, if suspected asbestos or lead-based paint containing materials are observed during demolition activities, work in the area of the materials will be halted, the materials tested by adequately qualified personnel, and if found to contain hazardous materials, removed appropriately.

3.2 Socioeconomic and Cultural

3.2.1 Socioeconomic Characteristics

The project would affect and benefit the Kailua-Kona community and North Kona district most directly. Table 1 provides information on the socioeconomic characteristics of Kailua-Kona along with those of Hawai'i County as a whole for comparison, from the United States 2000 census.

Table 1
Selected Socioeconomic Characteristics

CHARACTERISTIC	ISLAND OF HAWAI'I	KAILUA
Total Population	148,677	9,870
Percent Caucasian	31.5	38.7
Percent Asian	26.7	18.3
Percent Hawaiian	9.7	13.2
Percent Two or More Races	28.4	27.1
Median Age (Years)	38.6	35.5
Percent Under 18 Years	26.1	27.3
Percent Over 65 Years	13.5	9.9
Percent Occupied Households with Children	32.2	35
Average Household Size	2.75	2.78
Percent Housing Vacant	15.5	18.2

Source: U.S. Bureau of the Census. May 2001. Profiles of General Demographic Characteristics, 2000 Census of Population and Housing, Hawai'i. (U.S. Census Bureau Web Page).

The beach area makai of the Hotel is an important recreational site for both Hotel guests and the general public (see Figure 3). Operationally, the renovation will move Hotel structures further

from this area and will not in any way adversely affect the use of the beach. Construction is not expected to affect public access to this area. The Queen Lili'uokalani Long-Distance Canoe Races take place at the beach along the hotel every Labor Day. The renovation is not expected to affect these, or any other canoe races.

3.2.2 Cultural and Historic Resources

Methods

A cultural impact assessment (CIA) which also dealt with the issue of potential archaeological resources was prepared by Rechtman Consulting. This extensive report, which includes a number of first-hand accounts and reproductions of maps and photos, is briefly summarized below, with scholarly references generally omitted. Readers interested in greater details are referred to Appendix 2, which contains the report in full.

The CIA is consistent with federal and State of Hawai'i guidelines for such studies. Among the pertinent guidelines are the Advisory Council on Historic Preservation's "Guidelines for Consideration of Traditional Cultural Values in Historic Preservation Review" (ACHP 1985); National Register Bulletin 38 "Guidelines for Evaluating and Documenting Traditional Cultural Properties"; the Hawai'i State Historic Preservation Statue (Chapter 6E), which affords protection to historic sites, including traditional cultural properties of on-going cultural significance; the criteria, standards, and guidelines currently utilized by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for the evaluation and documentation of cultural sites; and the November 1997 guidelines for cultural impact assessment studies, adopted by the Office of Environmental Quality Control. The archival-historical sources investigated were located in the collections of the Hawai'i State Archives, State Historic Preservation Division, the Bishop Museum Archives; the University of Hawai'i-Hilo Mo'okini Library, and in the collections held by Ahu'ena Inc. Historical information was also derived from additional published and unpublished sources cited in the bibliography of Appendix 2.

The CIA also involved extensive consultation with a number of individuals and groups with knowledge of the cultural resources in the area, including Ahu'ena Inc.; the Kona Hawaiian Civic Club; Ke Akua Hawai'i Ko Aloha; Kanaka Council; Royal Order of Kamehameha; Clement Kanuha Jr.; Hanale Fergerstrum; Kalani Nakoa; Keiki Kawaiaea; Pualani Kanahale; Kate Winter; Larry Kimura; Geraldine Bell; Elaine Jackson-Rotondo; and Mikahala Roy. It should be noted that not all individuals or groups had comments, and some declined to participate in the consultation. Many of these individuals and groups actively use the area, and some had recommendations regarding the project, which are discussed in Appendix 2.

Background

All of the area proposed for active work as part of the actual renovations of the Hotel has previously been disturbed as part of various activities in the past, and this area is all in active use as part of the Hotel and its grounds today. However, a portion of the Hotel and surrounding grounds occupy a portion of what is historically known as Kamakahonu (SIHP Site 10-27-7002), an important cultural site best known as the last residence of Kamehameha I and the place where he died in 1819. Kamakahonu was the location of multiple heiau known collectively as Ahu'ena, originally said to have been built by either Liloa or his son Umi-a-Liloa during the sixteenth

century, was reconstructed and rededicated by Kamehameha I in the early nineteenth century. In the centuries prior to 1778, several large and densely populated royal and high chiefly centers were located along the shoreline between Kailua and Hōnaunau. One such center was located along the north end of Kailua Bay at Kamakahonu, which literally means turtle eye. Chiefly residence at Kamakahonu was possibly established as early as the sixteenth century by Umi-a-Liloa. It was during the early nineteenth century that Keawe a Mahi presided over Kamakahonu, and upon the death of Keawe a Mahi, Kamakahonu became the residence of Kamehameha I and his royal entourage. Kamehameha first moved into the former residence of Keawe a Mahi. He then built another house high on stones on the seaward side of that residence, facing directly upland toward the planting fields of Kuahewa. Like an observation post, this house afforded a view of the farm lands and was also a good vantage from which to see canoes coming from the south.

Kamakahonu became the backdrop for some of the most significant events in the early nineteenth-century history of the Hawaiian Kingdom. It is here that in 1819, just six months after Kamehameha's death, the heir to Kamehameha I, Liholiho, chose to ignore certain kapu associated with male/female and chief/commoner interaction, particularly with respect to dietary restrictions, and indefinitely extended the period of 'ai noa (free eating) that follows the death of a chief. In dining with women, Liholiho's actions symbolically and officially marked the end of the native belief system. It is where Protestant missionaries came ashore in 1820 and in 1825 set up a church and parsonage in an area not too distant from Kamakahonu, parts of which had become converted to a fort. Hawaiian royalty continued to maintain a presence here until the passing of Queen Kapi'olani in 1899.

Kamakahonu was listed on the National Register of Historic Places as a National Historic Landmark in 1962. The Ahu'ena heiau complex was archaeologically investigated and rebuilt by the Bernice P. Bishop Museum in the middle 1970s.

In the mid-19th century, the Hawaiian kingdom performed a Māhele (division) that defined the land interests of the King, the high-ranking chiefs, and the konohiki. As a result of the Māhele, all land in the Kingdom of Hawai'i came to be placed in crown land, government land, or konohiki land. As a result of the Māhele, Lanihau 2nd was retained as government land. These lands were subject to kuleana claims made by native tenants. Three such claims were made in the vicinity of Kamakahonu. Leleiohoku claimed a kauhale within Kamakahonu consisting of five houses, which included the two-story stone and wooden houses and a canoe storage building. The government denied this claim but allowed Leleiohoku to retain ownership of the contents of the houses. Another claim was made for a house lot at Ahu'ena by Mahi. Citing lack of sufficient corroboration, the Land Commission denied the award. The Commission did, however, grant another award at Ahu'ena to Kalaikuiwa (LCAw. 7969) for a house lot situated in the center of what is now TMK 3-7-5-05:12, to the west of the current project area. When Ruth Ke'elikolani became governor of Hawai'i she moved the office of governor to Hilo, and the residences and fort at Kamakahonu fell into further disrepair.

As government land, Lanihau 2nd became part of the post-Māhele land granting program that the Kingdom established to help provide native tenants further opportunity to obtain fee-simple land. In 1875 the government sold as a grant a portion of Kamakahonu to William Pitt Leleiohoku II (Royal Patent No. 3148:2) what seems to correspond to the current TMKs 3-7-5-06:24 and 32. Leleiohoku II was the hānai son of Ruth Ke'elikolani. Leleiohoku II died in 1877 and his estate

was inherited by his sisters Lili‘uokalani and Likelike and his brother King Kalākaua. The sisters sold their interest in Kamakahonu to their brother in 1885. Kalākaua converted the two-story stone warehouse/residence into a boathouse for whale boats. Upon Kalākaua’s death in 1891, his Kamakahonu land along with the rest of his estate went to Queen Kapi‘olani.

Following the death of Kapi‘olani in 1899, the Kamakahonu property remained in her estate until 1911, at which time H. Hackfeld & Company bought the holdings at Kamakahonu. Hackfeld opened a store using a building that once belonged to King Kalakaua and converted an old stone barracks into the store’s warehouse. H. Hackfeld & Company reorganized in 1918, and all of the company’s holdings in Kailua were conveyed to American Factors, Limited, which became Amfac, Inc., the parent company of the property when the first hotel was opened in 1960. This hotel was arranged in an arc just back from the beach, primarily occupying a portion of TMK 3-7-5-06:32. The present King Kamehameha’s Kona Beach Hotel was completed in 1975, and its buildings primarily occupy land mauka of Kamakahonu. However, sometime between 1977 and 1980 the lū‘au was moved to its present location nearer the Ahu‘ena Heiau, which was reconstructed by Bishop Museum with funding from Amfac. Appendix 2 contains maps and photographs that depict the layout and appearance of Kamakahonu during various eras.

Archaeological Resources

During preparation of the EA, the DLNR-SHPD was contacted to determine whether historic sites would be affected by the renovation. In a letter of April 23, 2008 (see Appendix 3a), DLNR-SHPD requested that the EA include information on the findings of previous archaeological studies in the immediate hotel area; historic cartographic data for this location; geological and soil characteristics of the hotel site that would aid in predicting the presence/absence of subsurface cultural deposits; and a consideration of the likelihood that significant subsurface deposits could be present beneath the existing hotel structures, infrastructure and/or landscaped lawn areas. This information would help SHPD determine if mitigation measures are needed, and whether subsurface testing would be appropriate as part of the planning process.

Research performed for the CIA determined that beginning in the 1950s, the entire area of the current hotel has been repeatedly subject to major ground-altering activities. However unlikely, it is possible that intact subsurface archaeological remains, be they features or deposits, could be encountered during the proposed renovation. Potential impacts and mitigation to such resources are discussed below.

Cultural Practices and Resources

The OEQC guidelines identify several possible types of cultural practices and beliefs that are subject to assessment. These include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs. The guidelines also identify the types of potential cultural resources, associated with cultural practices and beliefs that are subject to assessment. Essentially these are nature features of the landscape and historic sites, including traditional cultural properties. The origin of the concept of traditional cultural property is found in National Register Bulletin 38 published by the U.S. Department of Interior, National Park Service. “Traditional” as it is used, implies a time depth of at least 50 years, and a generalized mode of transmission of information from one generation to the next, either orally or by act.

“Cultural” refers to the beliefs, practices, lifeways, and social institutions of a given community. The use of the term “Property” defines this category of resource as an identifiable place. Traditional cultural properties are not intangible and they must have some kind of boundary. They are subject to the same kind of evaluation as any other historic resource, with one very important exception. By definition, the significance of traditional cultural properties should be determined by the community that values them.

As the OEQC guidelines do not contain criteria for assessing the significance for traditional cultural properties, the CIA adopted the appropriate criteria for evaluating the significance of historic properties, of which traditional cultural properties are a subset. To be significant the potential historic property or traditional cultural property must possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

- A Be associated with events that have made an important contribution to the broad patterns of our history;
- B Be associated with the lives of persons important in our past;
- C Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value;
- D Have yielded, or is likely to yield, information important for research on prehistory or history;
- E Have an important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group’s history and cultural identity.

While it is the practice of the DLNR-SHPD to consider most historic properties significant under Criterion D at a minimum, it is clear that traditional cultural properties by definition would also be significant under Criterion E. A further analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities resulted from the *Ka Pa‘akai O Ka‘āina v Land Use Commission* court case. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present, and identify the extent to which any traditional and customary native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired; and third, specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

There are significant cultural practices and resources identified for the area immediately surrounding the Hotel. As discussed above, a portion of the Hotel and its grounds include a portion of the National Historic Landmark Site of Kamakahonu (SIHP Site 10-27-7002). Kamakahonu is clearly significant under four of the five evaluation criteria, Criterion A, B, D, E, and as a location in and of itself should always be considered a significant place (a wahi pana). It is known from historical sources, archaeological investigation, and oral information that the remaining features of Kamakahonu of archaeological and cultural significance include the reconstructed features (Ahu‘ena House, Hale nana mahina ‘ai, and the mortuary platform), what remains of the perimeter walls, and a reburial feature currently located within a naupaka hedge to the north of the mortuary platform.

While it should be recognized that the reconstructed features of Ahu'ena House and Hale nana mahina 'ai may no longer hold archaeological significance, they hold great cultural significance for modern practitioners. Ahu'ena House and Hale nana mahina 'ai, along with the cultural activities that take place there, are considered sacred by Hawaiian cultural practitioners.

Impacts and Mitigation Measures

As discussed above, all of the area proposed for active work as part of the actual renovations of the Hotel has previously been disturbed as part of various activities in the past, and this area is all in active use as part of the Hotel and its grounds today. In order to avoid impacts to the existing features of Kamakahonu named above, all these features need to be protected against impacts during the proposed renovation activities. Protective measures, which may include temporary fencing, contractor education, and monitoring, should be developed in coordination with Ahu'ena Heiau Inc. and other concerned parties.

To mitigate potential effects to possible buried archaeological resources or human remains within the already disturbed areas of Kamakahonu and adjacent areas in which the renovation will occur, archaeological monitoring is recommended during subsurface demolition or development activities. The monitoring plan as well as a plan for interim preservation measures for cultural sites will be submitted to SHPD for review and comment/approval prior to application for demolition or ground-altering permits. Such monitoring will provide for an immediate response if any such resources are discovered. In the unlikely event that additional burials, cultural deposits or archaeological resources are encountered during future development activities, work in the immediate area of the discovery will be halted and SHPD will be contacted as outlined in Hawai'i Administrative Rules 13§13-280-3.

Although not directly related to the proposed renovation, it is nonetheless recommended that the current hotel ownership work with DLNR-SHPD to re-inter the human skeletal remains (perhaps in proximity to the existing reburial feature) that were unearthed in 1995, and that are presently in DLNR-SHPD's possession.

It is furthermore recommended that the Hotel, in cooperation with historical and cultural groups, undertake to educate visitors and kama'āina alike about the significance of Kamakahonu. In particular, it is recommended that the Hotel fund exhibits informed by the historical and cultural sources cited in Appendix 2 recounting the significant historical events and features of Kamakahonu as part of the exhibit hall, museum, and auditorium display gallery that is proposed for the hotel's new open air central arcade. This is not intended to be viewed as a mitigative measure that counter balances the cumulative devastation that has befallen Kamakahonu (nor is it the kuleana of the current hotel ownership to do so); this is simply suggested as an educational tool to help preserve a historically accurate memory of what once was.

~~To the greatest degree reasonable, the Hotel ownership should ensure access to Ahu'ena by cultural practitioners during the proposed renovation~~ Public lateral access along the bay and beach to Ahu'ena Heiau will not be affected as a result of construction, so there will be no times at which the heiau will not be available to cultural practitioners; the only access restrictions will occur relative to access through the Hotel grounds, during certain construction times as safety concerns dictate.

3.3 Infrastructure

3.3.1 Utilities

Existing Facilities and Services

Electrical power to the Hotel is supplied by Hawai'i Electric Light Company (HELCO), a privately owned utility company regulated by the State Public Utilities Commission, via their island wide distribution network.

Water is supplied by the Hawai'i County Department of Water Supply. Telephone service is provided by Hawaiian Telcom. Wastewater treatment is currently provided by Hawai'i County via a sewer line along Ali'i Drive.

Impacts and Mitigation Measures

The proposed action would not have any substantial impact on existing electrical facilities or HELCO's ability to provide electricity. No other utilities will be affected in any way. The project would not require a long-term net increase in demand for any services because it does not increase the Hotel's capacity. In summary, the utility infrastructure for the facility is adequate and no adverse impacts are expected.

3.3.2 Traffic and Parking

Existing Roadway and Traffic Conditions

King Kamehameha's Kona Beach Hotel is accessed by two entrances; one entrance is a porte-cochere located along Palani Drive near its intersection with Ali'i Drive, the second is the parking lot entrance located along Palani Drive. Traffic along both Palani Road and Ali'i Drive can be heavy, with frequent stops and slow-moving traffic. Because the area is a popular tourist destination, pedestrian traffic can also be heavy.

Impacts and Mitigation Measures

During the construction period equipment would be stored on site, and traffic associated with project construction would be limited to worker traffic, as well as gravel trucks hauling waste and materials to and from the site. Mobilization and de-mobilization of construction equipment, however, can create traffic congestion. In order to minimize traffic impacts, heavy equipment will be transferred to and from the site only during off-peak hours.

No changes to the basic hotel access would occur, and there are no adverse impacts in terms of traffic.

In a letter of February 25, 2008 (see Appendix 3a), the County of Hawai'i Police Department recommended that the hotel accommodate emergency response and that vehicular and pedestrian designs facilitate rapid emergency evacuations. The renovations include features that would

facilitate emergency evacuation, notably elevator modernization, the expansion of open space on the first floor, and enhancement of the existing entry feature.

3.4 Secondary and Cumulative Impacts

The project will not involve any secondary impacts, such as population changes or effects on public facilities. Although the project would provide some short-term construction jobs, these would almost certainly be filled by local residents and would not induce in-migration.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. The adverse effects of the project – very minor and temporary disturbance to air quality, noise, visual and traffic congestion quality during construction – are very limited in severity, nature and geographic scale, as the project is simply a renovation. The only potential impact might occur during construction activities as vehicles and equipment are being moved on- and offsite. There are a number of road and highway improvement projects being undertaken by the State and County of Hawaii – notably, the widening of Queen Kaahumanu Highway – that also involve large numbers of equipment and vehicles. There is some potential for traffic slowdowns from road projects and the renovation projects to interact. It is recommended that renovation contractors be made aware of the progress and schedules of the highway construction projects and the need to coordinate work schedules to avoid conflicts. Most conflicts can be avoided by scheduling for off-peak hours. There do not appear to be any other potential sources of cumulative impacts.

3.5 Required Permits and Approvals

The following permits and approvals would be required:

- Hawai'i County Building Division Approval and Building, Plumbing and Electrical Permits
- Hawai'i County Planning Department Approval
- Hawai'i County Public Works Department Grading & Driveway Permits
- National Pollutant Discharge Elimination System Permit (NPDES)
- Special Management Area (Major) Use Permit

3.6 Consistency With Government Plans and Policies

3.6.1 Hawai'i State Plan

Adopted in 1978 and last revised in 1991 (Hawai'i Revised Statutes, Chapter 226, as amended), the Plan establishes a set of themes, goals, objectives and policies that are meant to guide the State's long-run growth and development activities. The three themes that express the basic purpose of the Hawai'i State Plan are individual and family self-sufficiency, social and economic mobility and community or social well-being. The project would promote these goals by providing seriously needed renovations to a landmark hotel that provides jobs, recreation, and a venue for social and government functions.

3.6.2 Hawai‘i State Land Use Law

All land in the State of Hawai‘i is classified into one of four land use categories – Urban, Rural, Agricultural, or Conservation – by the State Land Use Commission, pursuant to Chapter 205, HRS. The property is in the State Land Use Urban District. The Land Use Commission Administrative Rules (Chapter 15-15 HAR) allows determination of allowed uses for the Urban Land Use district by County Zoning (discussed in section 3.6.3, below).

3.6.3 Hawai‘i County Zoning, LUPAG and Special Management Area

Hawai‘i County Zoning. The project site is in the Hawai‘i County Resort-Hotel District (V-0.75). The project is a permitted use within this designation. The Planning Department stated that the owner will need to consolidate any parcels where new structures will be constructed across property lines in order to meet setback requirements.

The Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG). The LUPAG map component of the General Plan is a graphic representation of the Plan’s goals, policies, and standards as well as of the physical relationship between land uses. It also establishes the basic urban and non-urban form for areas within the planned public and cultural facilities, public utilities and safety features, and transportation corridors. The project site is classified as Resort in the LUPAG. The project is consistent with the Resort Node and High Density Urban designations, which are intended for resorts, hotels, condominiums, and support services.

Hawai‘i County Special Management Area. The property is situated within the County’s Special Management Area (SMA). A special management area permit will be required, which includes a detailed assessment of the project’s impacts in relation to the provisions and guidelines contained in Chapter 205A, Hawai‘i Revised Statutes (HRS), entitled *Coastal Zone Management*. The following is a summary assessment of the ten objectives of Chapter 205A, Coastal Zone Management Act and the impacts the proposed actions will have.

1. Recreational and Visual Resources:

The proposed hotel renovations will not affect access to or the utilization of any recreational resources in the area. The relocation of the swimming pool and deck to a more mauka location will actually provide a greater buffer between public utilization of the coastal resources and the private uses associated with the hotel.

2. Historic Resources:

Adverse effects to historic resources have been avoided through proper evaluation of historic sites, as discussed above in Section 3.2. Archaeological monitoring will occur during construction with potential to disturb the ground surface.

3. Scenic and Open Space Resources:

The proposed renovation of the King Kamehameha Hotel would not involve adverse impacts to existing scenic views or open space resources. The proposed renovations will reduce the buildings’ foot print by over 8,000 sf. No vertical expansion of the six-story towers is involved. Considerable mass will be subtracted by removing the commercial lobby between the two towers. The only addition to the horizontal bulk of the hotel will

be slight expansions to the existing lobby area, which is tucked in an alcove of the existing hotel on the mauka side and would not affect any view planes. The modernization and improvement to the outer surfaces of the hotel, including paint, trim and glass, would provide a more attractive building that contributes to the architectural quality of this resort setting.

Landscaping currently adds beauty and character to the grounds of the building and helps the hotel visually harmonize with its shoreline setting. This landscaping will be expanded and improved. The most significant beneficial impact will be the opening up of the commercial lobby area that connects the two towers. Relocating the pool more mauka and limiting the number, density and height of structures between the two towers will provide a new, deep viewplane in an area that currently is limited to the pool deck area. Viewplanes from the beach towards the hotel, which currently involve a clutter of structures and material types, will also improve.

4. Coastal Ecosystems:

No change in use of the property is proposed. The number of hotel rooms and the number of projected guests will not increase, and there will be a reduction in the area of commercial spaces by nearly 5,680 sf. No additional impacts to coastal water quality or other determinants of coastal ecosystems will occur. Construction impacts will be mitigated by Best Management Practices that will be developed and implemented as part of the NPDES permit process.

5. Economic Uses:

The proposed renovations consist of private improvements with private funding, in excess of \$25 million, that will have a substantial positive economic impact on Kailua Village and the visitor industry in West Hawai'i and will not induce and adverse economic impacts. The positive effects of renovating this important element of Kailua Village will be felt by all of the businesses in the Village including shops, restaurants and other tourist related activities.

6. Coastal Hazards:

The project site sits adjacent to the northern edge of Kailua Bay. There are no freshwater resources in the project area. No stream poses a flooding hazard to the project site; however, some of the site can be threatened by coastal flooding as well as tsunami inundation. The Flood Insurance Rate Maps show that about half of the site is located in Flood Zone VE and Flood Zone AE. Flood Zone VE is defined as the special flood hazard area that corresponds to the 100-year coastal flood plains that have additional hazards associated with storms waves. Flood Zone AE is defined as the zone that corresponds to the 100-year floodplain as determined in a Flood Insurance Study by detailed methods. These areas are more commonly known as coastal high hazard areas or tsunami inundation zones.

Because the site is located within the coastal flood and tsunami inundation zones the Hotel currently maintains, and will continue to maintain, evacuation plans for coastal flooding and potential tsunami inundation, as well as the required flood insurance.

7. Managing Development:

The applicant will notify the surrounding property owners within 300 feet of the perimeter of the property as required by the Zoning Code and Planning Commission Rule No. 9 (Special Management Area) public hearing notification requirements. This public hearing process improves the development review process, communication, and public participation in the management of coastal resources and hazards.

8. Public Participation:

The public will be informed of the proposed action through the Chapter 343 EA Assessment process and the SMA Permit, as required by law, explained above. The County of Hawai'i Planning Commission must hold a public hearing on the Applicant's Special Management Area Use Permit Application. At the public hearing, the public is free to participate in this open hearing forum and to provide their comments to the Planning Commission. The Planning Commission public hearing, and if required, the Contested Case Process, provide the vehicle for stimulating public awareness, education and participation in the coastal management decision making.

9. Beach Protection:

The proposed hotel renovations will not affect any beaches or adversely affect public use and recreation of the shoreline in this area. The relocation of the current swimming pool to a more mauka location will increase the buffer between the public's use of the shoreline area and the private uses of the hotel property.

10. Marine Resources:

The hotel renovation project will not lead to impacts to marine resources including fisheries, water quality, traditional practices, or any other resource. The proposed renovations and relocation of the swimming pool to a more mauka area will generate no impact on the State's marine resources.

3.6.4 Hawai'i County General Plan

The General Plan for the County of Hawai'i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The General Plan itself is organized into thirteen elements, with policies, objectives, standards, and policies for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai'i. Most relevant to the project are the following Goals, Standards, Policies and Courses of Action of the following chapters:

NATURAL RESOURCES AND SHORELINE – GOALS

- (a) Protect and conserve the natural resources from undue exploitation, encroachment and damage.
- (b) Provide opportunities for recreational, economic, and educational needs without despoiling or endangering natural resources.
- (c) Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.

- (e) Protect and effectively manage Hawaii's open space, watersheds, shoreline, and natural areas.
- (f) Ensure that alterations to existing land forms, vegetation, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of an earthquake.

NATURAL RESOURCES AND SHORELINE – POLICIES

- (c) Maintain the shoreline for recreational, cultural, educational, and/or scientific uses in a manner that is protective of resources and is of maximum benefit to the general public.
- (i) Encourage an overall conservation ethic in the use of Hawaii's resources by protecting, preserving, and conserving the critical and significant natural resources of the County of Hawai'i.
- (r) Ensure public access is provided to the shoreline, public trails and hunting areas, including free public parking where appropriate.

Discussion: The project would protect and preserve a portion of shoreline, while maintaining public access. The project would mitigate risks to water quality, would move structures further from the shoreline, and hence is a prudent action.

ECONOMIC - GOALS

- (a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- (b) Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.
- (c) Strive for diversity and stability in the economic system.
- (d) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- (e) Strive for an economic climate that provides its residents an opportunity for choice of occupation.
- (f) Strive for diversification of the economy by strengthening existing industries and attracting new endeavors.
- (g) Strive for full employment.
- (h) Promote and develop the island of Hawaii into a unique scientific and cultural model, where economic gains are in balance with social and physical amenities. Development should be reviewed on the basis of total impact on the residents of the County, not only in terms of immediate short run economic benefits.

ECONOMIC – POLICIES

- (c) Encourage the development of a visitor industry that is in harmony with the social, physical, and economic goals of the residents of the County.
- (f) Support all levels of educational, employment and training opportunities and institutions.
- (h) The land, water, air, sea, and people shall be considered as essential resources for present and future generations and should be protected and enhanced through the use of economic incentives.
- (o) Promote a distinctive identity for the island of Hawaii to enable government, business and travel industries to promote the County of Hawaii as an entity unique within the State of Hawaii.
- (p) Identify the needs of the business community and take actions that are necessary to improve the business climate.

ECONOMIC – NORTH KONA – COURSES OF ACTION

- (a) Resort development in the area shall be in balance with the social and physical goals as well as economic desires of the residents of the district. Necessary pollution controls shall be available prior to development. Other necessary support facilities such as transportation and nursery facilities shall also be provided.
- (f) Recognize the natural beauty of the area as a major economic and social asset. This resource should be protected through appropriate review processes when development is proposed.
- (g) Improve Kailua Village to maintain its viability as a popular visitor destination.

Discussion: The project serves to enhance the economic vitality of a Kailua-Kona landmark. The project would renovate the hotel, enhancing the attractiveness as a destination to residents and visitors. The renovations would support the efforts of the Kailua Village Business Improvement District by investing in excess of \$25 million dollars in this important and visible property. Attracting visitors to the hotel will have a positive effect on all other Village businesses by bringing guests who will support the restaurants, shops and other tourist activities in the Village.

FLOODING AND OTHER NATURAL HAZARDS – GOALS

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

FLOODING AND OTHER NATURAL HAZARDS – POLICIES

- (a) Enact restrictive land use and building structure regulations in areas vulnerable to severe damage due to the impact of wave action. Only uses that cannot be located elsewhere due to public necessity and character, such as maritime activities and the necessary public facilities and utilities, shall be allowed in these areas.
- (d) Any development within the Federal Emergency Management Agency designated flood plain must be in compliance with Chapter 27.
- (g) Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.
- (j) The County and the private sector shall be responsible for maintaining and improving existing drainage systems and constructing new drainage facilities.
- (q) Consider natural hazards in all land use planning and permitting.

FLOODING AND OTHER NATURAL HAZARDS – STANDARDS

- (a) "Storm Drainage Standards," County of Hawaii, October, 1970, and as revised.
- (b) Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawaii County Code.
- (c) Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).
- (d) Applicable standards and regulations of Chapter 10, "Erosion and Sedimentation Control," of the Hawaii County Code.
- (e) Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

Discussion: No stream poses a flooding hazard to the project site; however, some of the site can be threatened by coastal flooding as well as tsunami inundation. The Flood Insurance Rate Maps (FIRM) 1551660694C and 1551660713D (Figure 4) show that about half of the site is located in Flood Zone VE and Flood Zone AE. Flood Zone VE is defined as the special flood hazard area that corresponds to the 100-year coastal flood plains that have additional hazards associated with storms waves. Flood Zone AE is defined as the zone that corresponds to the 100-year floodplain as determined in a Flood Insurance Study by detailed methods. These areas are more commonly known as coastal high hazard areas or tsunami inundation zones. Because the site is located within the coastal flood and tsunami inundation zones the Hotel currently maintains, and will continue to maintain, evacuation plans for coastal flooding and potential tsunami inundation, as well as the required flood insurance. All improvements will be subject to review by the Hawai'i County Department of Public Works to ensure that all relevant standards of Chapter 27 and Chapter 10 will be addressed, and improvements will be inspected for acceptance.

HISTORIC SITES – GOALS

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

HISTORIC SITES – POLICIES

- (a) Agencies and organizations, either public or private, pursuing knowledge about historic sites should keep the public apprised of projects.
- (c) Require both public and private developers of land to provide historical and archaeological surveys and cultural assessments, where appropriate, prior to the clearing or development of land when there are indications that the land under consideration has historical significance.
- (f) Encourage the restoration of significant sites on private lands.
- (i) Signs explaining historic sites, buildings and objects shall be in keeping with the character of the area or the cultural aspects of the feature.

Discussion: Adverse effects to historic resources have been avoided through proper evaluation of historic sites, as discussed above in Section 3.2. Archaeological monitoring will occur during construction with potential to disturb the ground surface. Public lateral access along the bay and beach to Ahu'ena Heiau will not be affected as a result of construction, so there will be no times at which the heiau will not be available to cultural practitioners; the only access restrictions will occur relative to access through the Hotel grounds, during certain construction times as safety concerns dictate.

LAND USE – RESORT – GOALS

- (a) Maintain an orderly development of the visitor industry.
- (b) Provide for resort development that maximizes conveniences to its users and optimizes the benefits derived by the residents of the County.
- (c) Ensure that resort developments maintain the cultural and historic, social, economic, and physical environments of Hawaii and its people.

LAND USE – RESORT – POLICIES

- (b) Promote and encourage the rehabilitation and the optimum utilization of resort areas that are presently serviced by basic facilities and utilities.
- (c) Lands currently designated Resort should be utilized before new resorts are allowed in undeveloped coastal areas.

- (g) Evaluate resort areas and the areas surrounding existing resorts to insure that viable quality resorts are developed and that the surrounding area contributes to the quality, ambience and character of the existing resorts.
- (h) Encourage the visitor industry to provide resort facilities that offer an educational experience of Hawaii as well as recreational activities.
- (i) Coastal resort developments shall provide public access to and parking for beach and shoreline areas.
- (k) Require developers to provide the basic infrastructure necessary for development.

Discussion: The project encourages the rehabilitation of an important resort that contributes in many ways to economic and cultural vitality. The Hotel has contributed in significant ways to the cultural and educational improvement of the community, and it provides access to Kamakahonu Bay, which is utilized by visitors and the general public for ocean recreation. The hotel hosts cultural events and has a display of cultural artifacts with signage to help educate visitors and residents about the Hawaiian culture, a program which will be expanded and improved as part of the renovation. No impact on infrastructure is associated with the project.

3.6.5 Kona Community Development Plan

The *County of Hawai'i General Plan*, Section 15.1 (February 2005, as amended) calls for the preparation of Community Development Plans "to translate the broad General Plan statements to specific actions as they apply to specific geographical areas." The *General Plan* requires Community Development Plans be adopted by the County Council as an "ordinance", giving the plans force of law. This is in contrast to plans of the past that were adopted by resolution, and therefore, served only as guidelines or reference documents for decision-makers. Community Development Plans are to be long-term plans with a planning horizon to year 2020, consistent with the *General Plan*.

The Kona Community Development Plan (Kona CDP) was recently adopted by the County Council on September 25, 2008 under Ordinance 08-131. The Kona CDP translates the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities for specific geographic areas in the districts of North Kona, reaching nearly to Waikoloa Village, and South Kona, including the community of Miloli'i. The Kona CDP will deal with all the elements included in the General Plan such as the economy, energy, environmental quality, flooding and other natural hazards, historic sites, natural beauty, natural resources and shoreline, housing, public facilities, recreation, transportation, and land use.

The purposes of the Kona CDP are to:

- Articulate Kona's residents' vision for the planning area.
- Guide regional development in accordance with that vision, accommodating future growth while preserving valued assets.
- Provide a feasible infrastructure financing plan to improve existing deficiencies and proactively support the needs of future growth.
- Direct growth in appropriate areas.
- Create a plan of action where government and the people work in partnership to improve the quality of life in Kona to live, work, and visit.

- Provide a framework to monitor the progress and effectiveness of the plan and to make changes and update, if necessary.

The goals, objectives, policies, and actions of the Kona CDP are presented as eight elements, including:

1. Transportation
2. Land Use
3. Environmental Resources
4. Cultural Resources
5. Housing
6. Public Facilities, Infrastructure and Services
7. Energy
8. Economic Development

These elements generally correspond with the thirteen elements of the *County of Hawai‘i General Plan* (GP) except that five elements of the GP have been combined in two of the Kona CDP elements. Specifically, the Kona CDP element for Public Facilities, Infrastructure and Services combines the GP elements for Public Facilities, Public Utilities and Recreation; and the Kona CDP element for Environmental Resources combines the GP elements for Environmental Quality, Flooding, and Other Natural Hazards, Natural Beauty and Natural Resources and Shoreline. The GP element for Historic Sites is referred to in the Kona CDP as Cultural Resources and the GP element for Economic is referred to as Economic Development.

Most relevant to the King Kamehameha Hotel Renovation Project are the following Guiding Principles and Policies of the Kona CDP.

KONA CDP GUIDING PRINCIPLES AND POLICIES

1. Protect Kona’s natural resources and culture.

1a. Natural resources. The watershed, including coastline, flood plains, important agricultural land, open space, and areas mauka of Mamalahoa Highway shall be protected. Guided by a principle of respect for the land, environment and natural resources shall be preserved and protected to ensure clear air and water, thriving native species, conservation of shorelines and open space, improvements in watershed management and flood control, and reductions in solid waste.

Discussion:

- The Project would protect and preserve a portion of the shoreline, while maintaining public access.
- The Hotel would mitigate risks to air quality by preparing and implementing a dust control plan to ensure clean air.
- The Hotel would mitigate risks to water quality by implementing a Storm Water Pollution Prevention Plan, keep construction equipment in working condition to minimize the risk of fluid leaks, and designating a disposal site to dispose leaks and spills during construction in order to contain sediment and storm water runoff and protect the shoreline water quality.

- The only native plants found in the Hotel grounds are those utilized in landscaping which will be preserved, as no natural communities exist in the area proposed for renovation.
- The Project is located within the Flood AE and VE zones and all renovation work will be done in compliance with Chapter 27, *Floodplain Management*, of the Hawai‘i County Code.

1b. *Culture*. Multi-ethnic culture is preserved, protected, and restored in a manner that perpetuates all aspects of the aloha spirit.

Discussion:

- Extensive consultation has occurred with a number of individuals and community groups with knowledge of the cultural resources in the area.
- The Hotel is committed to providing continued access to Kamakahonu Bay utilized by visitors and the general public for ocean recreation.
- No work is anticipated in the vicinity of the historic sites associated with Ahu‘ena and Kamakahonu, famed for their association with Kamehameha I. Kamakahonu has been identified as a National Historic Landmark Site (SIHP Site 10-27-7002) and thus subject to protection under HRS Chapter 6E (***Policy ENV-1.5***).
- The Hotel continues to host cultural events and display cultural artifacts with signage to help educate visitors and residents about the Hawaiian culture, a program which will be expanded and improved as part of the renovation. (***Policy CR-3.2***)
- The Hotel shall coordinate with Ahu‘ena Heiau, Inc., to protect the existing features of Kamakahonu, and in cooperation with historical and cultural groups, shall undertake to educate visitors and local residents about the significance of Kamakahonu. (***Policy CR-3.2***)
- The renovations will convert over 11,000 square feet into a cultural center/artifacts museum and lecture hall exhibiting the cultural artifacts currently displayed throughout the Hotel. (***Policy CR-3.2***)

2. Provide connectivity and transportation choices.

Future growth should connect communities with movement alternatives such as sidewalks, trails, and bike lanes. We need an efficient public transportation system for moving people. It should have comfortable and frequent service to key destinations, along prominent commuter routes, and at transfer points that offer connections to alternative modes of transportation.

Discussion:

- Situated off of Palani Road near the Ali‘i Drive intersection and makai of Kuakini Highway, the Hotel has direct or easy access to pedestrian sidewalks, pedestrian/bike pathways to nearby shopping malls, grocery stores, restaurants, shoreline, and mixed-use areas promoting pedestrian activity thus reducing the number of car trips for hotel guests.
- The Hotel is located within the Kailua Village Redevelopment regional center, a designated Transit Oriented Development floating zone. (***Policy LU-2.2, LU-2.3[7]***)
- Located within the Kailua Village Redevelopment area, the project will involve only renovation work at this time and thus is not subject to roadway improvements under the Official Concurrency Map. (***Policy TRAN-6.1***)

- The Hotel is in proximity to a secondary transit route which shall connect Kailua Village with Keauhou and also serve the areas of Queen Ka‘ahumanu and Kuakini Highways. As a secondary transit route, transit will share the vehicular travel lane, and its headways will be equal or less than the trunk route. **(Policy TRAN-1.4)**
- The Hotel is in proximity to the Kailua Village transit hub where buses would operate from Captain Cook to the Kailua Village hub creating an intra-Kona transportation service. **(Policy TRAN-1.6)**

4. Provide recreation opportunities.

Future growth should provide a diversity of recreational opportunities that are well-maintained, attractive, and easily accessible to the entire community.

Discussion:

- Future renovations to the existing pool and bar area, which is currently makai of the hotel, would involve a pool deck pulled closer to the hotel central core, walkways, and enhanced landscaping, creating more open area near the shoreline, thus creating more space for beach related activities.
- The Hotel, in cooperation with historical and cultural groups, will undertake to educate visitors and local residents about the significance of Kamakahonu.
- The Hotel is committed to providing continued access to Kamakahonu Bay utilized by visitors and the general public for ocean recreation.

8. Promote effective governance

An effective and accountable regional government structure that improves the quality of life for Kona residents should manage the impacts of growth and meet the needs of the Kona community by encouraging cooperation among public, private, and civic partners, ensuring equitable distribution of resources, and instituting policies and regulations in a predictable and consistent manner.

Discussion:

- The Hotel is committed to working with the Kona community, a regional government structure, the Kailua Village Design Commission, as well as the County.
- A portion of the Hotel and its grounds include a portion of the National Historic Landmark Site of Kamakahonu which is of archaeological and cultural significance and include the reconstructed features (Ahu‘ena House, Hale nana mahina ‘ai, and the mortuary platform). The Hotel will cooperate with historical and cultural groups to educate visitors and local residents about Kamakahonu’s significance. **(Policy CR-3.2)**
- Extensive consultation with a number of individuals and groups with knowledge of the cultural resources in the area.

It is also important to note that Section 4.8.1 (4) of the Kona CDP specifically mentions the Hotel and its planned \$25 million investment in redevelopment, which Section 4.8.2 (g) and Policy ECON 1.7 state has a high value as an economic stimulus. In summary, the proposed renovation

of the King Kamehameha Hotel is consistent with the vision, guiding principles, and policies of the Kona CDP and the Design Guidelines of the Transit Oriented District.

PART 4: DETERMINATION

The Hawai'i County Planning Department, upon consideration of comments to the Draft EA, has determined that the proposed project will not significantly alter the environment, as impacts will be minimal, and has thus issued a Finding of No Significant Impact (FONSI).

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawai'i Administrative Rules, outlines those factors agencies must consider when determining whether an Action has significant effects:

1. *The project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resources would be committed or lost. The action will not adversely affect the important historic and cultural resources of Kamakahonu.
2. *The project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur as a result of the project.
3. *The project will not conflict with the State's long-term environmental policies.* The State's long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and fulfills aspects of these policies calling for an improved social environment. It is thus consistent with all elements of the State's long-term environmental policies.
4. *The project will not substantially affect the economic or social welfare of the community or State.* The project would not have any adverse effect on the economic or social welfare of the County or State, and would improve the social and economic welfare of the North Kona area through improved hotel facilities and jobs.
5. *The project does not substantially affect public health in any detrimental way.* The project is not of the type or character that would be detrimental to the public health.
6. *The project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* No secondary effects are expected to result from the proposed action, which would simply improve the existing King Kamehameha's Kona Beach Hotel.
7. *The project will not involve a substantial degradation of environmental quality.* The project is environmentally benign, and would improve the quality and condition of a portion of shoreline. The potential for water quality impacts during construction would be mitigated.
8. *The project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The project site supports overwhelmingly alien vegetation, as it is completely landscaped and maintained. Impacts to rare, threatened or endangered species of flora or fauna would not occur.
9. *The project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The 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.

10. *The project will not detrimentally affect air or water quality or ambient noise levels. No adverse effects on these resources would occur.* Mitigation of construction-phase impacts will preserve water quality. Ambient noise impacts due to construction will be temporary and restricted to daytime hours.

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 project is located in an area with in and area of volcanic and seismic risk, the entire Island of Hawai‘i shares this risk, and the project is not imprudent to construct. The Hotel is also located partially within the coastal flood zone and tsunami inundation zone. No adverse floodplain impact will occur. The Hotel currently maintains, and will maintain continue to maintain, evacuation plans for coastal flooding and potential tsunami inundation, as well as the required flood insurance.

12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* No scenic vistas and viewplanes will be adversely affected by the project. The proposed action would improve the visual appearance of the surroundings by making the Hotel for reflective of the surroundings.

13. *The project will not require substantial energy consumption.* The construction and maintenance of the Hotel would require no significant net increase in electricity. New, energy efficient lighting systems are part of the renovation, and all new storefront glass and glazing systems will be equipped with dual pane insulated glass. No adverse effects would be expected.

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

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ENVIRONMENTAL ASSESSMENT

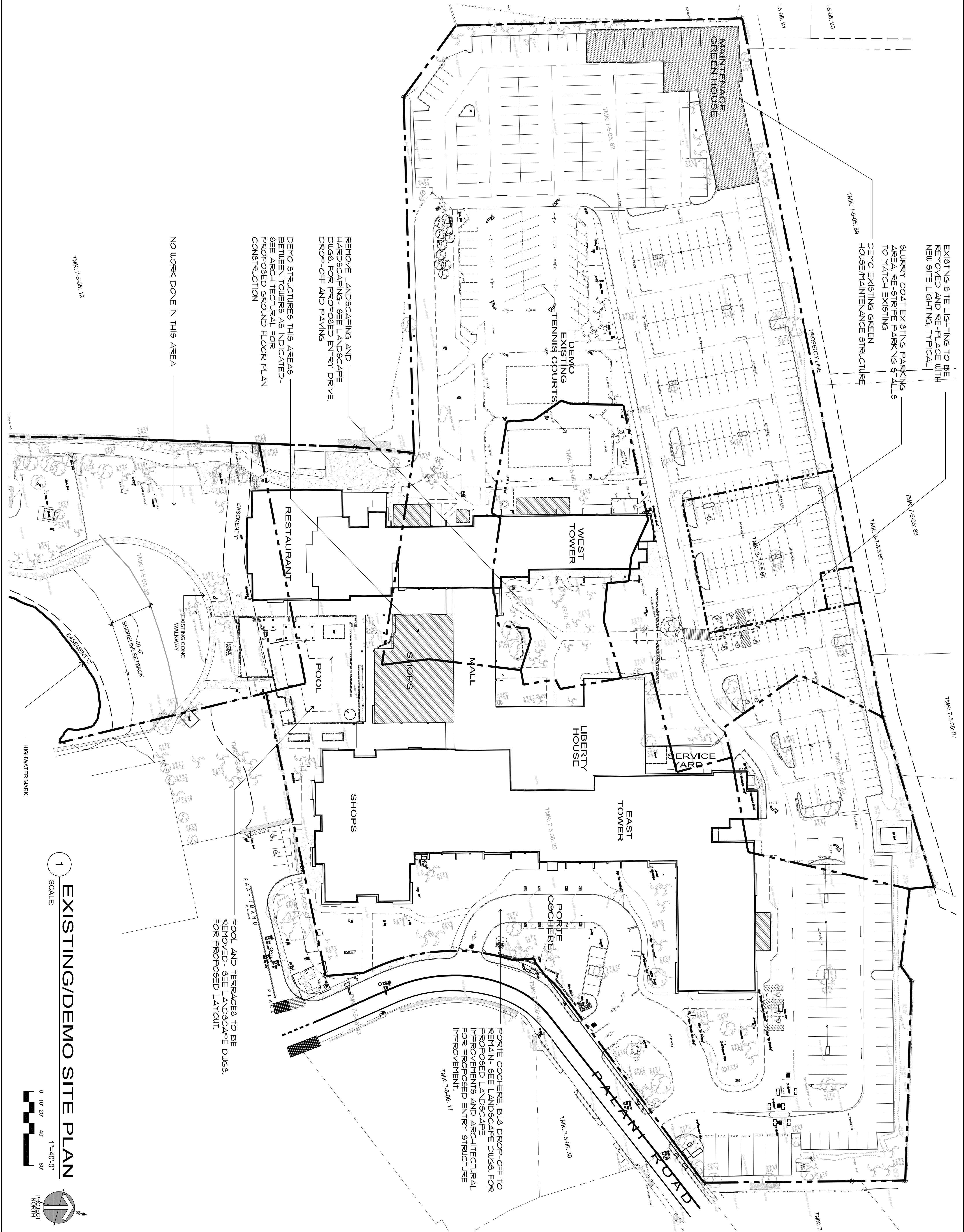
**HOTEL RENOVATIONS, KING
KAMEHAMEHA’S KONA BEACH HOTEL**

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai‘i, State of Hawai‘i

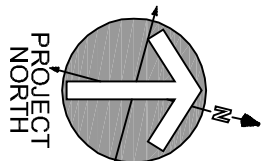
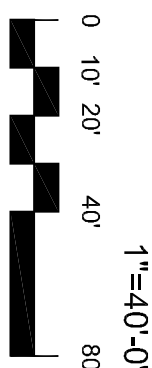
APPENDIX 1

Architectural Site Plans



1 EXISTING/DEMO SITE PLAN

SCALE:



FILE NAME:

A-3

SHEET TITLE
EXISTING/DEMO
SITE PLAN
SHEET NO.

DRAWN BY:

DATE:

PLOT DATE:

JOB NUMBER:

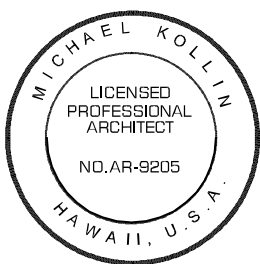
BID DATE:



HOTEL RENOVATIONS FOR
**KING KAMEHAMEHA'S
KONA BEACH HOTEL**
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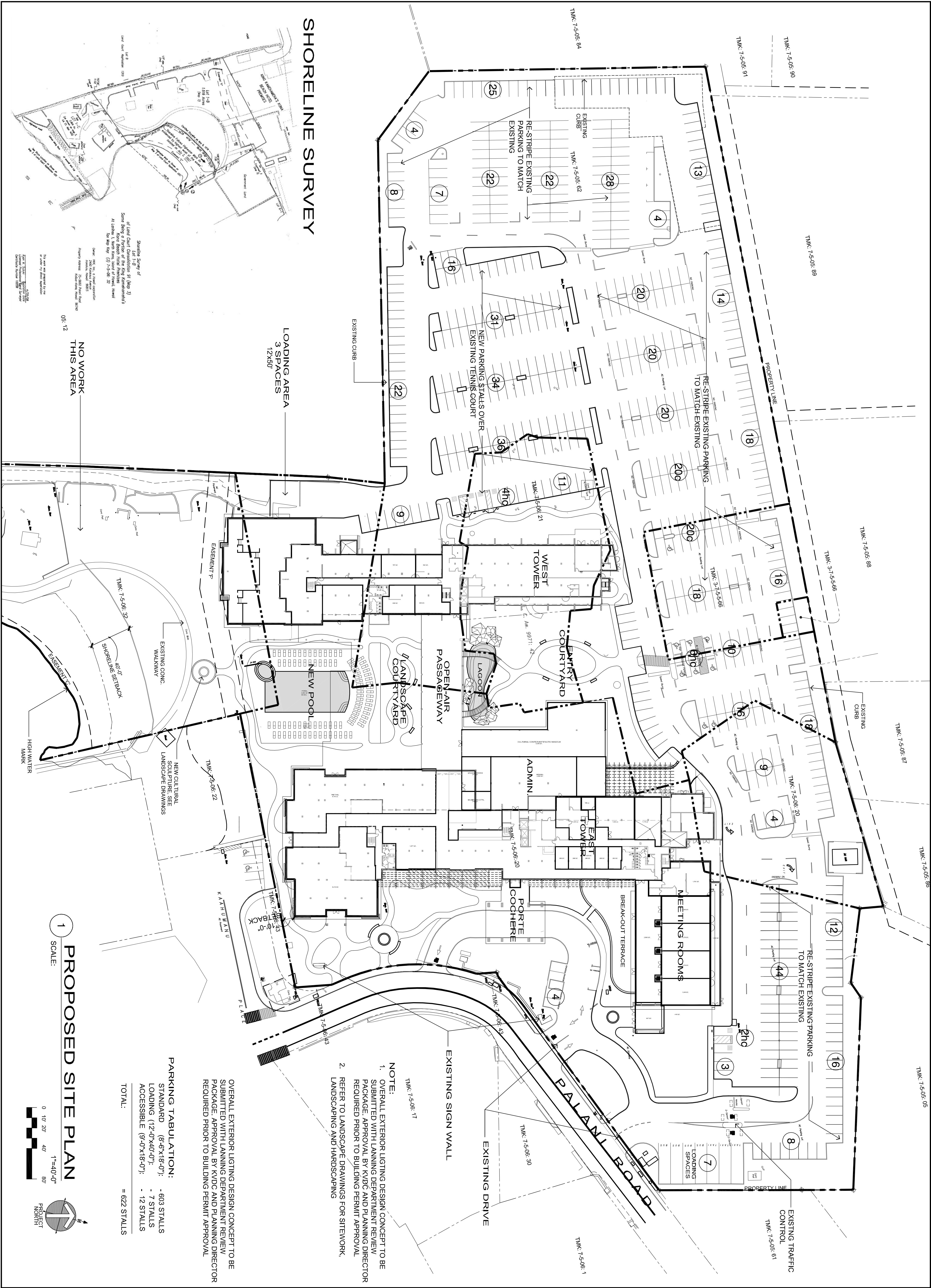


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UNDER MY DIRECT SUPERVISION AND
CONSTRUCTION OF THIS PROJECT WILL
BE UNDER MY OBSERVATION

signature

date

REVISIONS



FILE NAME: **A-4**

PROJECT: **HOTEL RENOVATIONS FOR KING KAMEHAMEHA'S KONA BEACH HOTEL**

75-5660 PALANI ROAD, KAILUA-KONA, HAWAII 96740

TMK # 7-5-006:020

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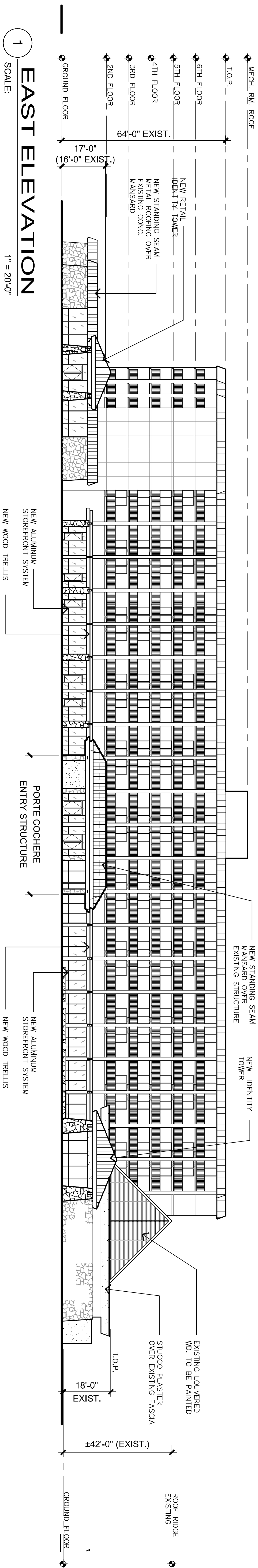
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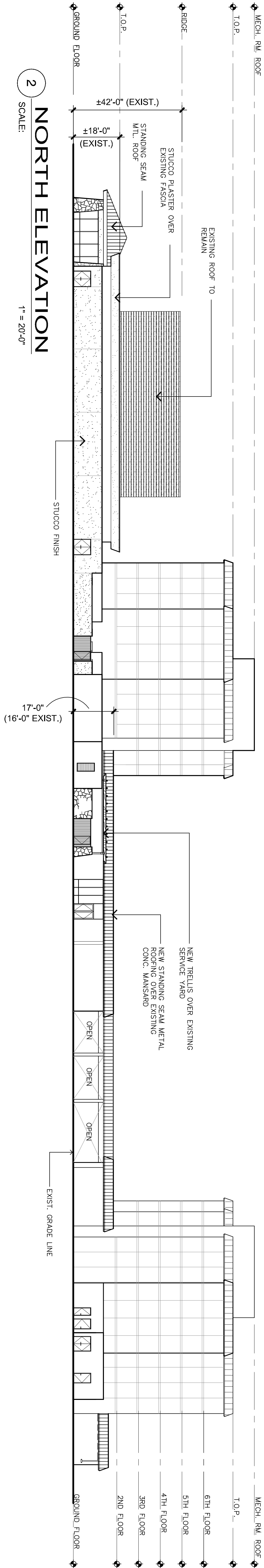
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MICHAEL KOLLIN
LICENSED PROFESSIONAL ARCHITECT
NO. AR-98205
HAWAII, U.S.A.

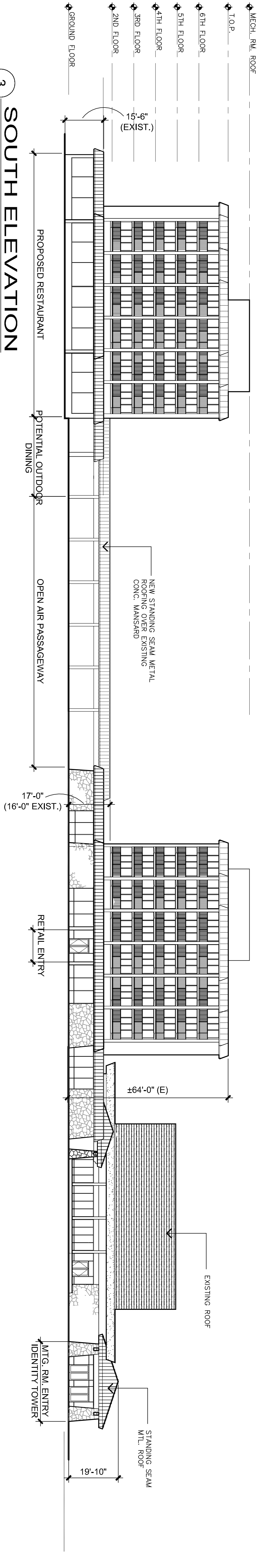
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1 EAST ELEVATION
SCALE: 1" = 20'-0"



2 NORTH ELEVATION
SCALE: 1" = 20'-0"



3 SOUTH ELEVATION
SCALE: 1" = 20'-0"

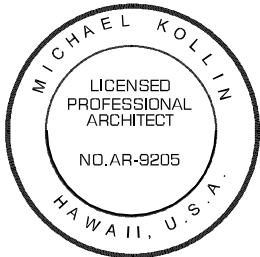
REF. TO SHT. 5 FOR EXTERIOR MATERIALS AND COLOR SCHEME

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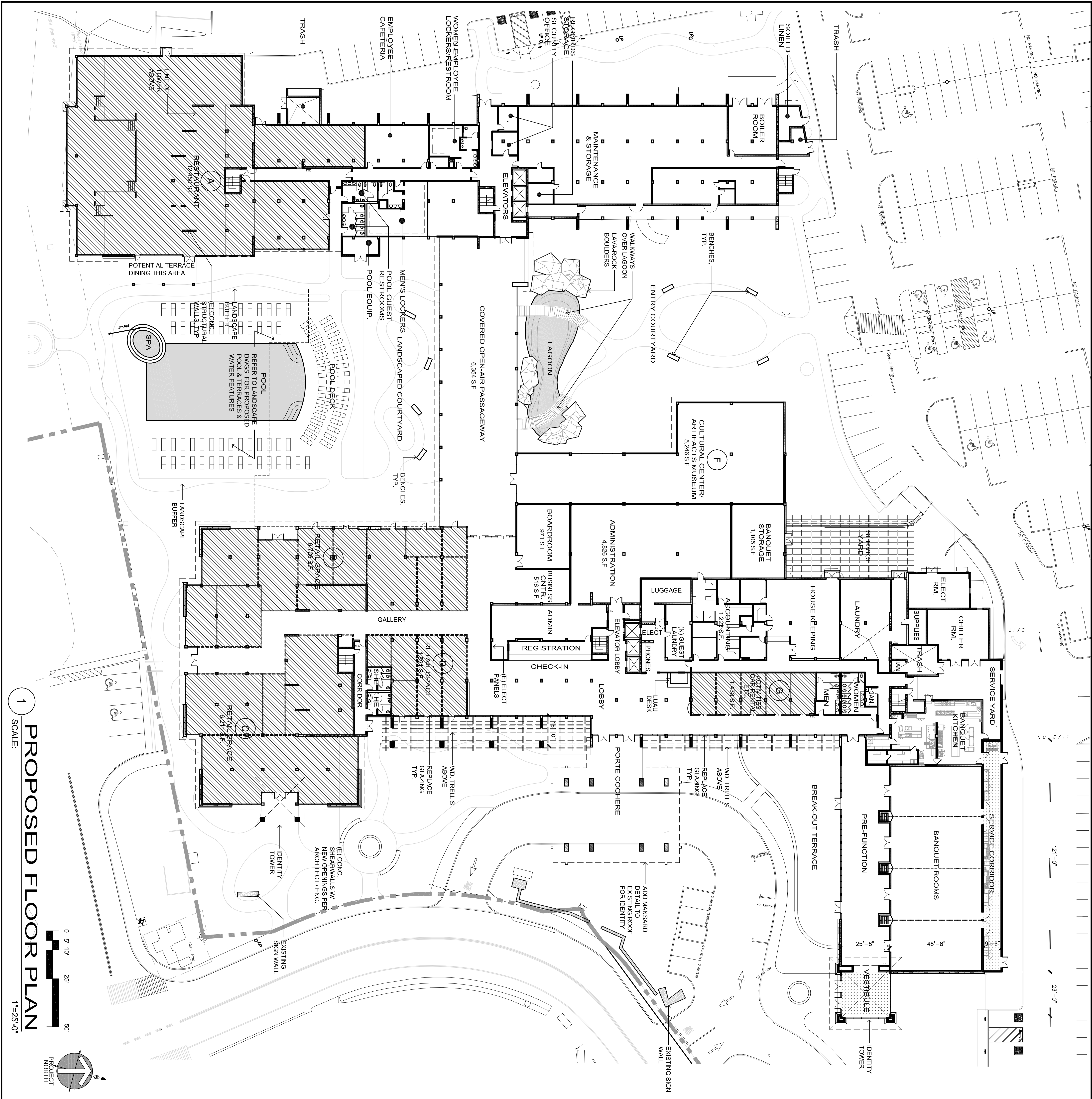
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HOTEL RENOVATIONS FOR
KING KAMEHAMEHA'S
KONA BEACH HOTEL
75-5660 PALANI ROAD, KAILUA-KONA, HAWAII 96740
TMK # 7-5-006:020

BID DATE:	
JOB NUMBER:	705-07
PLOT DATE:	08-26-08
DRAWN BY:	BV
SHEET TITLE:	PROPOSED ELEVATIONS
SHEET NO.	

A-6

FILE NAME:



BUILDING DATA

	EXISTING	PROPOSED	
	GROSS FLOOR AREA	(E) GROSS FLOOR AREA (LESS DEMOED)	TOTAL PROPOSED ENCLOSED FLOOR AREA
1st (GROUND) FLOOR	99,297 ± S.F.	7,434 ± S.F.	91,863 S.F.
2nd THRU 6th FLOORS	19,376 S.F. PER GROSS FLOOR AREA ± 193,760 S.F.	—	193,760 S.F.
BALCONIES	2568 S.F. PER FLOOR / PER WING 25,680 S.F.	—	25,680 S.F.
TOTAL AREAS	233,037 S.F. EXIST. GROSS	7,434 S.F. DEMOED	238,673 S.F. EXIST. GROSS (LESS DEMOED)
			1,754 S.F. PROPOSED ADDITIONS (ENCLOSED)
			287,277 S.F. PROPOSED GROSS FLOOR AREA

PARKING DATA

	EXISTING	PROPOSED	
	FLOOR AREA	REQD.	FLOOR AREA
			REQD.
GUESTROOMS	(460 ROOMS EXISTING)	153 @ 1.3 RMS	(460 ROOMS PROPOSED)
RETAIL	34,307 S.F.	171	16,266 S.F.
RESTAURANT W/ KITCHEN	7,596 S.F.	38	12,450 S.F.
BAR & GRILLE	1,406 S.F. (COFFEE SHOP)	13	—
BANQUET KITCHEN	1,281 S.F.	5	2,850 S.F.
MEETING RMS. / PRE-FUNCTION	8,750 S.F.	44	8,774 S.F.
ADMINISTRATION OFFICE	1,880 S.F.	19	6,049 S.F.
REQUIRED	443		438
PROVIDED	448 EXISTING		622 PROPOSED

STANDARD SPACES TO BE 9'-6"X18'-0"
COMPACT SPACES ARE ALLOWED @ 7'-6"X16'-0" WITH A MAXIMUM OF 33% COMPACT TO STANDARD STALLS
5.0% OF TOTAL SPACES ARE TO BE 10'-0"X22'-0" WITH 45-0" BACK-UP
PROVIDE 5.1 LOADING SPACES (3 @ 12'-0"X50'-0" WITH 45-0" BACK-UP)
2 @ 10'-0"X22'-0" WITH 46-0" BACK-UP)

RETAIL/LEASE SPACES AVAILABLE

NO.	ROOM NAME	FLOOR AREA
A	RESTAURANT	12,450 S.F.
B	RETAIL SPACE	6,726 S.F.
C	RETAIL SPACE	6,211 S.F.
D	RETAIL SPACE	1,891 S.F.
E		
F	CULTURAL CENTER / ARTIFACTS MUSEUM	5,246 S.F.
G	ACTIVITIES, CAR RENTAL, ETC.	1,438 S.F.
I		

LEGEND:

- INDICATES PROPOSED AREA ADDITIONS
- INDICATES RETAIL SPACES

REVISIONS

△	
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KONA BEACH HOTEL
75-5660 PALANI ROAD, KAILUA-KONA, HAWAII 96740
TMK # 7-5-006:020



PROJECT:

BID DATE:

JOB NUMBER:

PLOT DATE:

DRAWN BY:

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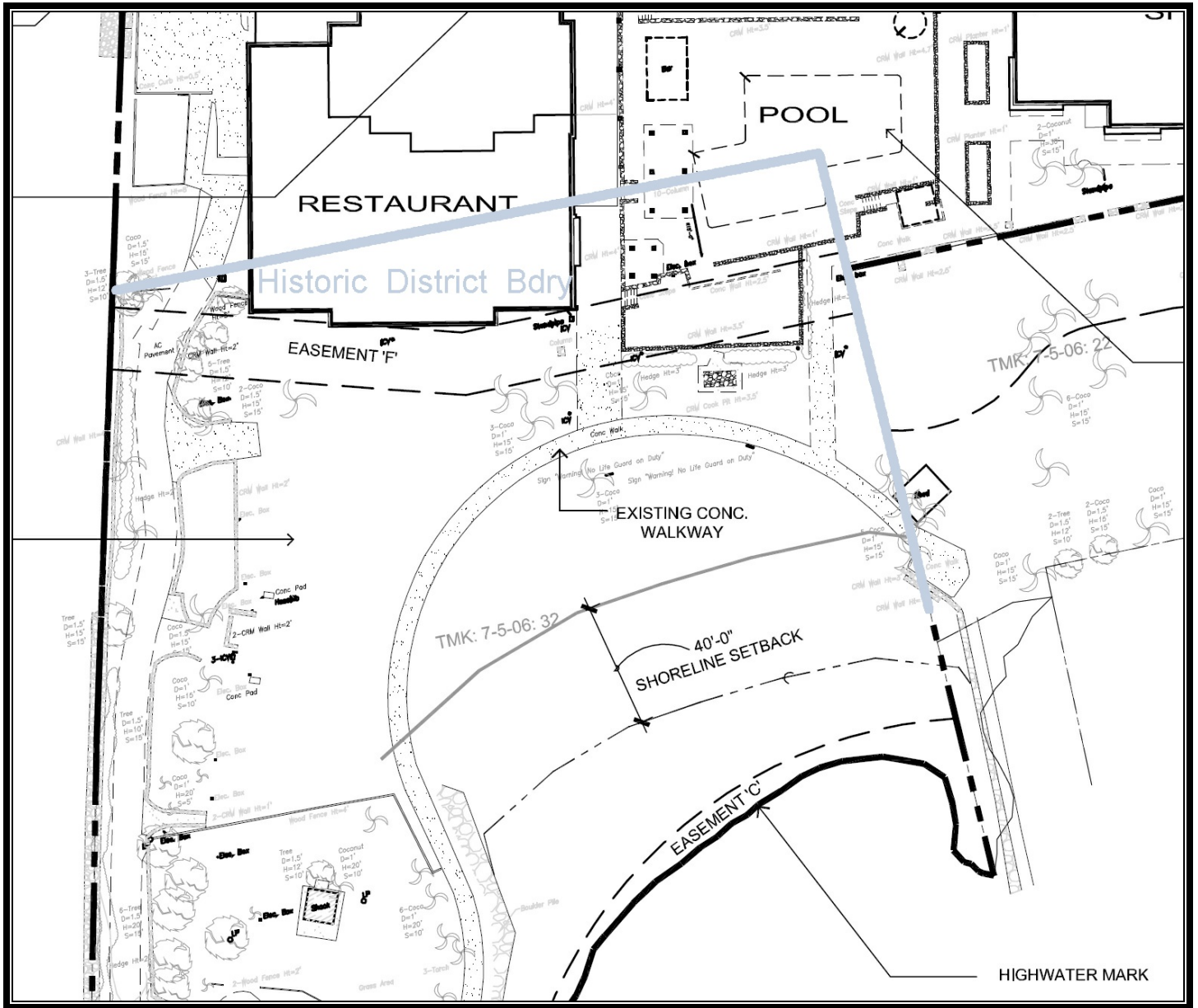
FLOOR PLAN

SHEET NO.

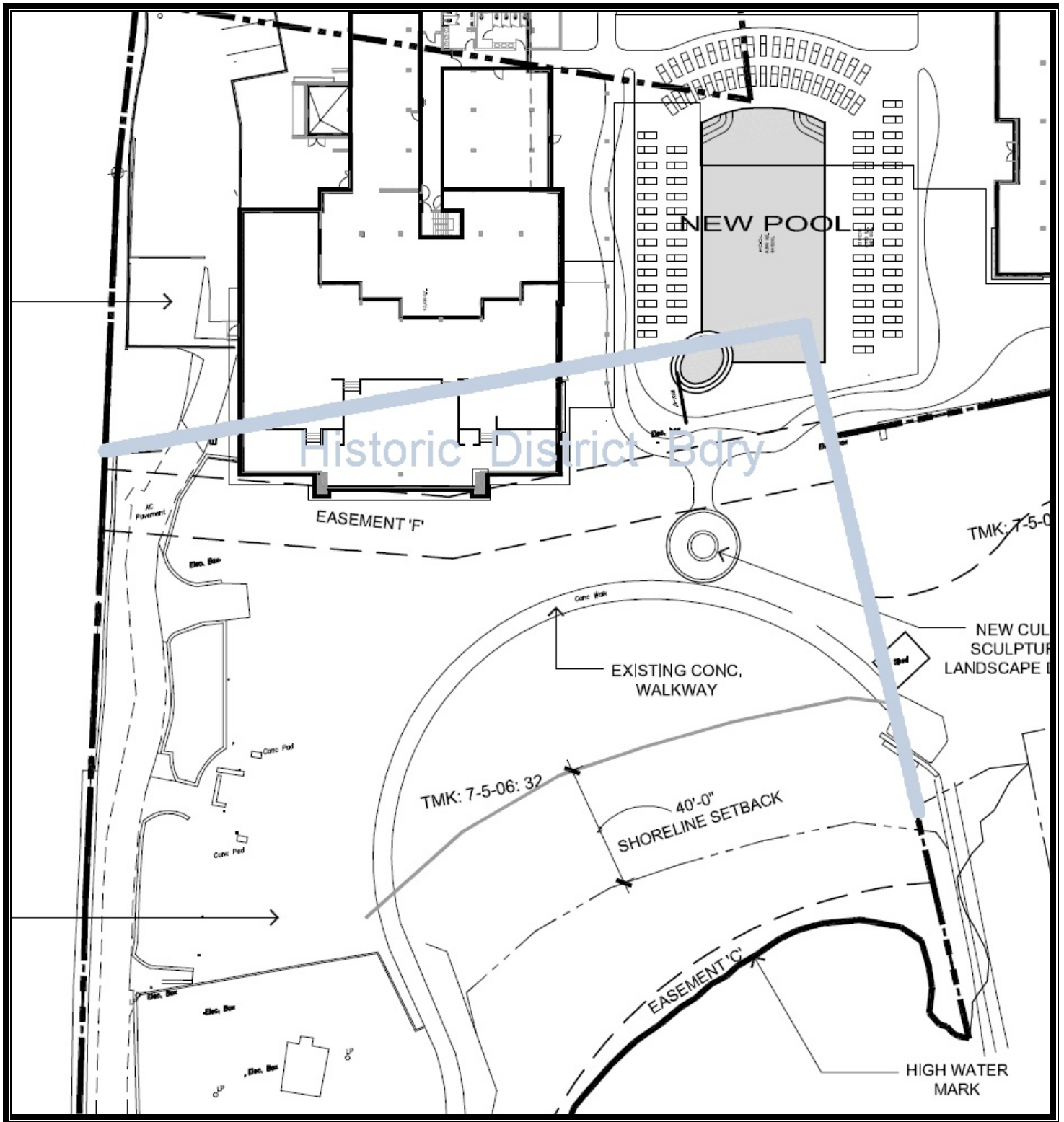
A-7

FILE NAME:

Enlargement of Existing Conditions Near Historic District Boundary (From Sheet A-3)



**Enlargement of Proposed Site Plan Near Historic District Boundary
(From Sheet A-4)**



Note shift of pool recreation area away from shoreline relative to existing conditions.

ENVIRONMENTAL ASSESSMENT

**HOTEL RENOVATIONS, KING
KAMEHAMEHA’S KONA BEACH HOTEL**

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai‘i, State of Hawai‘i

APPENDIX 2

Cultural Impact Assessment

Cultural Impact Assessment for Renovations to the King Kamehameha Kona Beach Hotel

(TMKs: 3-7-5-06:020, 021, 024, 032;
and 3-7-5-05:062, 066, 075)

Lanikai 2nd Ahupua'a
North Kona District
Island of Hawai'i



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August 2008

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ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

Cultural Impact Assessment for Renovations to the King Kamehameha Kona Beach Hotel

(TMKs: 3-7-5-06:020, 021, 024, 032; and 3-7-5-05:062, 066, 075)

Lanikai 2nd Ahupua‘a
North Kona District
Island of Hawai‘i

 RECHTMAN CONSULTING

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INTRODUCTION

At the request of Greg Mooers, on behalf of IWF KKH, LLC (the current owners of the King Kamehameha Kona Beach Hotel) Rechtman Consulting, LLC has prepared this Cultural Impact Assessment associated with the proposed renovation of the hotel, which is located in Lanihau 2nd Ahupua'a, North Kona District, Island of Hawai'i (Figure 1). The current hotel was completed in 1975 and replaced an earlier hotel that was originally opened for business in 1960. A portion of the King Kamehameha Kona Beach Hotel and surrounding grounds occupy what is historically known as Kamakahonu (SIHP Site 10-27-7002), an extremely important cultural site best known as the last residence of Kamehameha I and the place where he died in 1819. Kamakahonu was also the backdrop for some of the most significant events in the early nineteenth-century history of the Hawaiian Kingdom. It is where in 1819 (just six months after Kamehameha's death) Liholiho (the heir to Kamehameha I) chose to ignore certain *kapu* associated with male/female and chief/commoner interaction, particularly with respect to dietary restrictions, and indefinitely extended the period of *'ai noa* (free eating) that follows the death of a chief. In dining with women, Liholiho's actions symbolically and officially marked the end of the native belief system. It is where Protestant missionaries came ashore in 1820 and by 1825 set up a church and parsonage in an area not too distant from Kamakahonu. It is where Hawaiian royalty maintained a presence until the passing of Queen Kapi'olani in 1899. It is the location of multiple *heiau* known collectively as Ahu'ena, originally said to have been built by either Liloa or his son 'Umi-a-Liloa during the sixteenth century, reconstructed and rededicated by Kamehameha I in the early nineteenth century, and archaeologically investigated and rebuilt by the Bernice P. Bishop Museum in the middle 1970s. Kamakahonu was listed on the National Register of Historic Places as a National Historic Landmark in 1962. Possessing National Historic Landmark status does not automatically compel compliance with Federal regulations (e.g., Section 106) when assessing potential impacts to a listed resource (only if Federal funds, lands, or permits are involved); however, use of a historic site does necessitate compliance with Hawai'i state law (HRS Chapter 343).

The Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) in their response (DOC NO: 0804TD10) to a request for concurrence with a determination of "no effect" on historic properties, requested "that the EA include information on previous archaeological studies . . . historic cartographic data . . . geological and soil characteristics . . . and a consideration of the likelihood that significant subsurface deposits could be present beneath the existing hotel structures, infrastructure and/or landscaped lawn areas." The current study addresses these issues, and is intended to accompany an Environmental Assessment (EA) compliant with Chapter 343 HRS, as well as fulfilling the requirements of the County of Hawai'i Planning Department and the Department of Land and Natural Resources with respect to permit approvals for land-altering and development activities. This study has been prepared pursuant to Act 50, approved by the Governor on April 26, 2000; and in accordance with the Office of Environmental Quality Control (OEQC) *Guidelines for Assessing Cultural Impact*, adopted by the Environmental Council, State of Hawai'i, on November 19, 1997.

This study was performed in a manner consistent with Federal and state guidelines, among which are the Advisory Council on Historic Preservation's "Guidelines for Consideration of Traditional Cultural Values in Historic Preservation Review" (ACHP 1985); National Register Bulletin 38, "Guidelines for Evaluating and Documenting Traditional Cultural Properties" (Parker and King 1990); the Hawai'i State Historic Preservation Statute (Chapter 6E), which affords protection to historic sites, including traditional cultural properties of ongoing cultural significance; the criteria, standards, and guidelines currently utilized by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for the evaluation and documentation of cultural sites (cf. 13§13-275-8; 276-5); and the November 1997 guidelines for cultural impact assessment studies, adopted by the Office of Environmental Quality Control (OEQC). The archival-historical sources investigated were located in the collections of the Hawai'i State Archives, State Historic Preservation Division, the Bishop Museum Archives; the University of Hawai'i-Hilo Mo'okini Library, and in the collections held by Ahu'ena Inc. Historical information was also derived from the following sources: Kamakau (1992); 'I'i (1963); Malo (1951); Kekahuna (1955); Ellis (1827, 1963, 1969); Fornander (1996); Kelly (1983); Barrère (1975); Kelly and Barrère (1980); Bingham (1969); and Reineke (n.d.).

Below is a description of the project area and the proposed development activities, a detailed cultural and historical background, and a presentation of prior studies, which combined provide the setting and context to facilitate an understanding of the potential significance of Kamakahonu and its component historic and cultural features. The consultation process is described and summarized, followed by a discussion of potential cultural impacts and suggested appropriate actions and strategies to mitigate any potential impacts.

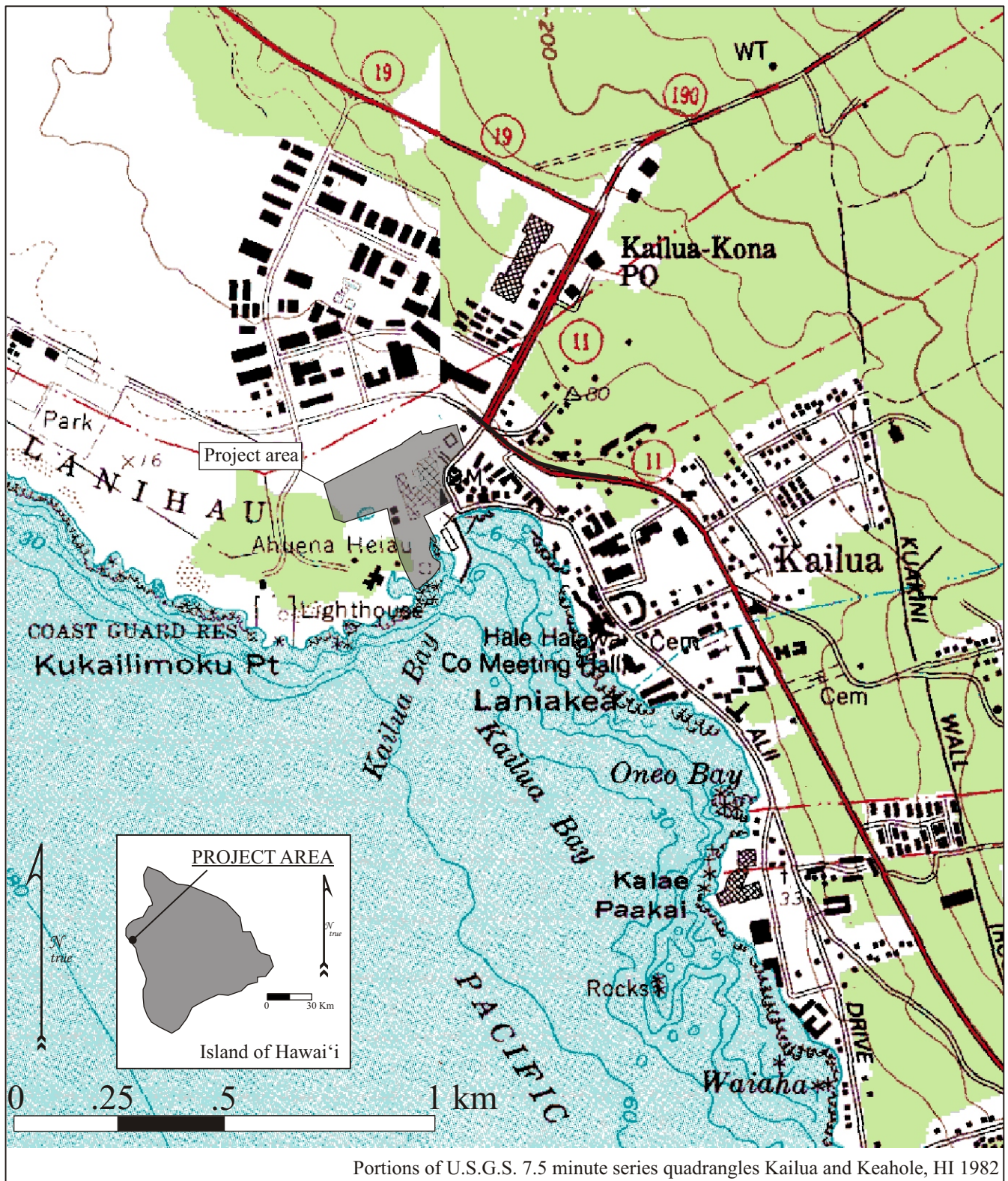


Figure 1. Project area location.

PROJECT AREA DESCRIPTION AND PROPOSED DEVELOPMENT ACTIVITIES

The King Kamehameha Kona Beach Hotel sits on approximately 13.2 acres in Lanihau 2nd Ahupua‘a (Figure 2). IWF KKH, LLC leases the hotel grounds from the owners, who are HKK Management, Inc., for TMKs 7-5-006:020, 021, 024 and 032, and Lanihau Properties, LLC, for TMKs 7-5-005:062, 066 and 075. As listed in the National Register of Historic Places, the historic site of Kamakahonu occupies what are today Parcels 24 and 32, accounting for 2.42 acres of the overall hotel property. As will be discussed below, Kamakahonu at the time of Kamehameha occupied an area nearly twice that size. Presently, Parcel 24 contains the 1970s Ahu‘ena reconstruction area and the hotel *lū‘au* stage; while the primary beach area, *imu* pit, and a portion of the existing restaurant and pool area lie within Parcel 32. Beyond this is the built environment of the hotel and parking lot. Figure 3 is an aerial view of the hotel and surrounding environment taken November 2000.

The proposed renovations (Figure 4) would increase the open space area between the reconstructed features of Ahu‘ena and the hotel buildings, and include demolition of retail portion of the central arcade structure located between the two hotel towers. This open area would be the location for a new pool area and a partial open air gallery. The location of the former Liberty House Store will become a museum, gallery, and lecture hall exhibiting the cultural artifacts currently displayed throughout the hotel. The existing pool and bar area, which is now *makai* of the hotel, would be removed and replaced by a pool deck pulled closer to the hotel central core, walkways, and enhanced landscaping, resulting in more open area near the shoreline and the removal of the pool and bar area from within Kamakahonu proper. The existing conference and banquet facilities will be completely refurbished and a small pre-function vestibule area will be added. Additional parking will be made available through more efficient site planning. The interior and exterior renovation would slightly modify the overall appearance of the hotel to be more reflective of the surroundings. The proposed renovations would reduce the overall ground floor area from 99,297 to 93,617 square feet, a figure which accounts for 7,434 square feet of demolition, and 1,754 square feet of additions. The number of guest rooms will remain the same at 460. The restaurant would be completely refurbished and upgraded as would all the ground floor public spaces. The overall project reduces the current retail use by 18,041 square feet. It converts over 11,000 square feet into a cultural center/artifacts museum; administrative offices; and an open air gallery. County Code requires 443 parking spaces for the areas discussed above; by removing the existing tennis courts and green house along with more efficient parking layout, a total of 622 stalls will be made available, bringing a surplus of 179 parking spaces to the hotel.

CULTURE-HISTORICAL BACKGROUND

Origins and Dispersal

In Hawaiian society, natural and cultural resources are one and the same. Native traditions describe the formation (the literal birth) of the Hawaiian Islands and the presence of life on and around them in the context of genealogical accounts. All forms in the natural environment, from the skies and mountain peaks, to the watered valleys and lava plains, and to the shoreline and ocean depths were believed to be embodiments of Hawaiian deities. One Hawaiian genealogical account, records that Wākea (the expanse of the sky—father) and Papa-hānau-moku (Papa—Earth-mother who gave birth to the islands)—also called Haumea-nui-hānau-wā-wā (Great Haumea—Woman-earth born time and time again)—and various gods and creative forces of nature, gave birth to the islands. Hawai‘i, the largest of the islands, was the first-born of these island children. As the Hawaiian genealogical account continues, we find that these same god-beings, or creative forces of nature who gave birth to the islands, were also the parents of the first man (Hāloa), and from this ancestor, all Hawaiian people are descended (cf. Beckwith 1970; Malo 1951:3; Pukui and Korn 1973). It was in this context of kinship, that the ancient Hawaiians addressed their environment and it is the basis of the Hawaiian system of land use.

Archaeologists and historians describe the inhabiting of these islands in the context of settlement that resulted from voyages taken across the open ocean. For many years, researchers have proposed that early Polynesian settlement voyages between Kahiki (the ancestral homelands of the Hawaiian gods and people) and Hawai‘i were underway by A.D. 300, with long distance voyages occurring fairly regularly through at least the thirteenth century. It has been generally reported that the sources of the early Hawaiian population—the Hawaiian Kahiki—were the Marquesas and Society Islands (Cordy 2000; Emory in Tatar 1982:16-18).

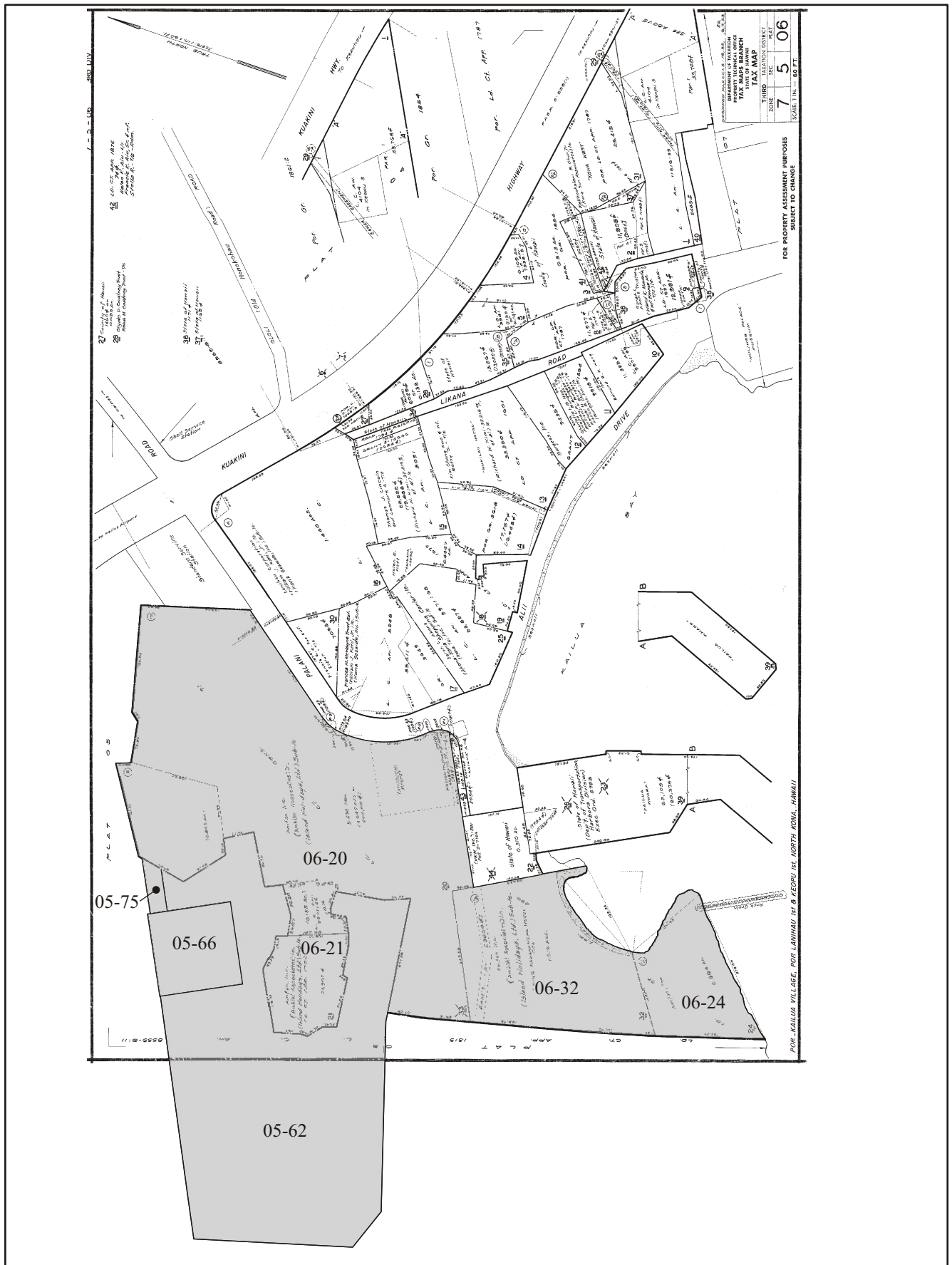
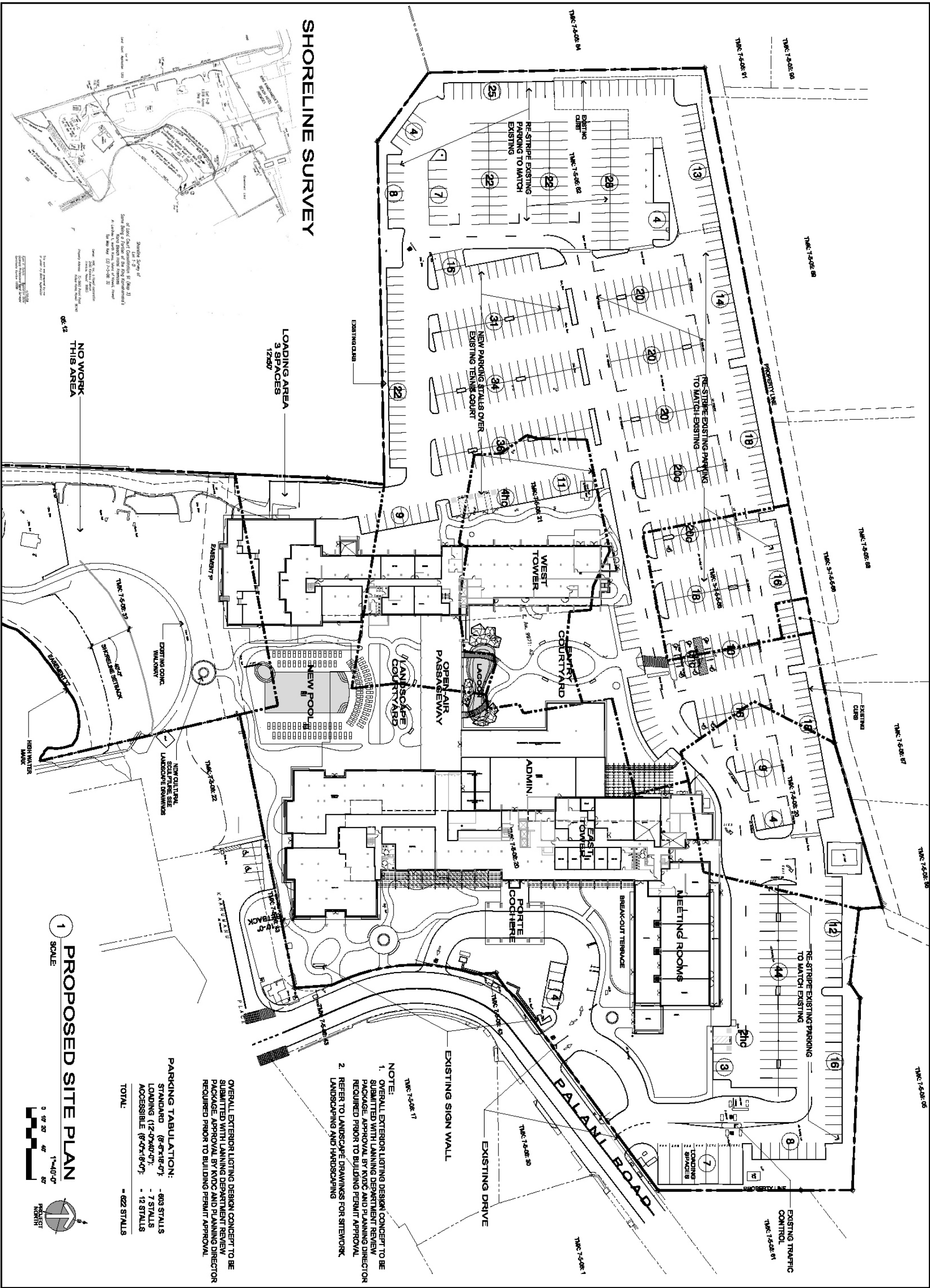


Figure 2. Tax Map Key showing study parcels (3-7-5-05 parcels: 062, 066 and 075; 3-7-5-06 parcels: 020, 021, 024, and 032).



Figure 3. 2000 aerial photograph of the project area.

DWG: 5:\09-Active Project Files\2007 KAA Projects\705-07 Pacifica Kona\71-CH0 Files\Arch RETAIL\PLANNING\SHEDT-4 SITE-PLAN.dwg USER: BobVillarueva
DATE: Aug 26, 2008 2:13pm DREFB: XAPP-6 XAPP: x-aurvey ICB_24X36 X-Midium IMAGES: kona-Prop-line.jpg loadpmap.jpg 00000001.TIF rml.jpg



PROJECT: **KING KAMEHAMEHA'S KONA BEACH HOTEL**
76-6860 PALANI ROAD, KAILUA-KONA, HAWAII 96740
TMK # 7-5-008-020

DATE: 08-26-08
JOB NUMBER: 705-07
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SHEET TITLE: PROPOSED SITE PLAN
SHEET NO: A-4

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Figure 4. Proposed King Kamehameha Kona Beach Hotel renovation plan.

For generations following initial settlement, communities were clustered along the watered, windward (*ko'olau*) shores of the Hawaiian Islands. Along the *ko'olau* shores, streams flowed and rainfall was abundant, and agricultural production became established. The *ko'olau* region also offered sheltered bays from which deep sea fisheries could be easily accessed, and near shore fisheries, enriched by nutrients carried in the fresh water, could be maintained in fishponds and coastal waters. It was around these bays that clusters of houses where families lived could be found (McEldowney 1979:15). In these early times, Hawai'i's inhabitants were primarily engaged in subsistence level agriculture and fishing (Handy et al. 1972:287).

Over a period of several centuries, areas with the richest natural resources became populated and perhaps crowded, and by about A.D. 900 to 1100, the population began expanding to the *kona* (leeward side) and more remote regions of the island (Cordy 2000:130). In Kona, communities were initially established along sheltered bays with access to fresh water and rich marine resources. The primary “chiefly” centers were established at several locations—the Kailua (Kai-a-ke-akua) vicinity, Kahalu'u-Keauhou, Ka'awaloa-Kealahou, and Hōnaunau. The communities shared extended familial relations, and there was an occupational focus on the collection of marine resources. By the fourteenth century, inland elevations to around the 3,000-foot level were being turned into a complex and rich system of dryland agricultural fields (today referred to as the Kona Field System). By the fifteenth century, residency in the uplands was becoming permanent, and there was an increasing separation of the chiefly class from the common people. In the sixteenth century the population stabilized and the *ahupua'a* land management system was established as a socioeconomic unit (see Ellis 1963; Handy et al. 1972; Kamakau 1961; Kelly 1983; and Tomonari-Tuggle 1985).

In Kona, where there were no regularly flowing streams to the coast, access to potable water (*wai*), was of great importance and played a role in determining the areas of settlement. The waters of Kona were found in springs and caves (found from shore to the mountain lands), or procured from rain catchments and dewfall. Traditional and historic narratives abound with descriptions and names of water sources, and also record that the forests were more extensive and extended much further seaward than they do today. These forests not only attracted rains from the clouds and provided shelter for cultivated crops, but also in dry times drew the *kēhau* and *kēwai* (mists and dew) from the upper mountain slopes to the low lands (Rechtman et al. 2001).

In the 1920s-1930s, Handy et al. (1972) conducted extensive research and field interviews with elder native Hawaiians. In lands of North and South Kona, they recorded native traditions describing agricultural practices and rituals associated with rain and water collection. Primary in these rituals and practices was the lore of Lono—a god of agriculture, fertility, and the rituals for inducing rainfall. Handy et al., observed:

The sweet potato and gourd were suitable for cultivation in the drier areas of the islands. The cult of Lono was important in those areas, particularly in Kona on Hawai'i . . . there were temples dedicated to Lono. The sweet potato was particularly the food of the common people. The festival in honor of Lono, preceding and during the rainy season, was essentially a festival for the whole people, in contrast to the war rite in honor of Ku which was a ritual identified with Ku as god of battle. (Handy et al. 1972:14)

Handy et al. (1972) noted that the worship of Lono was centered in Kona. Indeed, it was while Lono was dwelling at Keauhou, that he is said to have introduced taro, sweet potatoes, yams, sugarcane, bananas, and 'awa to Hawaiian farmers (Handy et al. 1972:523). The rituals of Lono—“The father of waters”—and the annual *Makahiki* festival (honoring Lono) preceding and during the rainy season, were of great importance to the native residents of this region (Handy et al. 1972:14). The significance of rituals and ceremonial observances in cultivation and indeed in all aspects of life was of great importance to the well being of the ancient Hawaiians, and cannot be overemphasized, or overlooked when viewing traditional sites of the cultural landscape.

Over the generations, the ancient Hawaiians developed a sophisticated system of land and resources management. By the time 'Umi-a-Līloa rose to rule the island of Hawai'i in ca. 1525, the island (*moku-puni*) was divided into six districts or *moku-o-loko* (Fornander 1996—Vol. II:100-102). On Hawai'i, the district of

Kona is one of six major *moku-o-loko* within the island. The district of Kona itself, extends from the shore across the entire volcanic mountain of Hualālai, and continues to the summit of Mauna Loa, where Kona is joined by the districts of Ka‘ū, Hilo, and Hāmākua. One traditional reference to the northern and southern-most coastal boundaries of Kona tells us of the district’s extent:

Mai Ke-ahu-a-Lono i ke ‘ā o Kani-kū, a hō‘ea i ka ‘ūlei kolo o Manukā i Kaulanamauna e pili aku i Ka‘ū!—From Keahualono [the Kona-Kohala boundary] on the rocky flats of Kanikū, to Kaulanamauna next to the crawling (tangled growth of) ‘ūlei bushes at Manukā, where Kona clings to Ka‘ū! (Ka‘ao Ho‘oniua Pu‘uwai no Ka-Miki in Ka Hōkū o Hawai‘i, September 13, 1917; Translated by K. Maly)

The traditional district of Kona is divided today into two districts, North Kona and South Kona. And like other large districts on Hawai‘i, was further subdivided into *‘okana* or *kalana* (regions of land smaller than the *moku-o-loko*, yet comprising a number of smaller units of land). In the region now known as Kona *‘akau* (North Kona), there are several ancient regions (*kalana*) as well. The southern portion of North Kona was known as “Kona *kai* *‘ōpua*” (interpretively translated as: Kona of the distant horizon clouds above the ocean), and included the area extending from Lanihau (the present-day vicinity of Kailua Town) to Pu‘uohau (now known as Red Hill). The northern-most portion of North Kona was called “Kekaha” (descriptive of an arid coastal place). Native residents of the region affectionately referred to their home as *Kekaha-wai-‘ole o nā Kona* (Waterless Kekaha of the Kona District), or simply as the *‘āina kaha*. Of all the land divisions, perhaps the most significant management unit was the *ahupua‘a*. *Ahupua‘a* are subdivisions of land that were usually marked by an altar with an image or representation of a pig placed upon it (thus the name *ahu-pua‘a* or pig altar). In their configuration, the *ahupua‘a* may be compared to wedge-shaped pieces of land that radiate out from the center of the island, extending to the ocean fisheries fronting the land unit. Their boundaries are generally defined by topography and geological features such as *pu‘u* (hills), ridges, gullies, valleys, craters, or areas of a particular vegetation growth (Lyons 1875).

The *ahupua‘a* were also divided into smaller individual parcels of land (such as the *‘ili*, *kō‘ele*, *māla*, and *kīhāpai*, etc.), generally oriented in a *mauka-makai* direction, and often marked by stone alignments (*kuaiwi*). In these smaller land parcels the native tenants tended fields and cultivated crops necessary to sustain their families, and the chiefly communities with which they were associated. As long as sufficient tribute was offered and *kapu* (restrictions) were observed, the common people, who lived in a given *ahupua‘a* had access to most of the resources from mountain slopes to the ocean. These access rights were almost uniformly tied to residency on a particular land, and earned as a result of taking responsibility for stewardship of the natural environment, and supplying the needs of the *ali‘i* (see Kamakau 1992:372-377 and Malo 1951:63-67).

Entire *ahupua‘a*, or portions of the land were generally under the jurisdiction of appointed *konohiki* or lesser chief-landlords, who answered to an *ali‘i-‘ai-ahupua‘a* (chief who controlled the *ahupua‘a* resources). The *ali‘i-‘ai-ahupua‘a* in turn answered to an *ali‘i ‘ai moku* (chief who claimed the abundance of the entire district). Thus, *ahupua‘a* resources supported had not only the *maka‘āinana* and *‘ohana* who lived on the land, but also contributed to the support of the royal community of regional and/or island kingdoms. This form of district subdividing was integral to Hawaiian life and was the product of strictly adhered to resources management planning. In this system, the land provided fruits and vegetables and some meat in the diet, and the ocean provided a wealth of protein resources. Also, in communities with long-term royal residents (like Kamakahonu), divisions of labor (with specialists in various occupations on land and in procurement of marine resources) came to be strictly adhered to. It is in the general cultural setting outlined above, that we find the *ahupua‘a* of Lanihau, a native land division among some seventy *ahupua‘a* that make up the traditional district of Kona. Lanihau is divided into two *ahupua‘a*, Lanihau 1 and Lanihau 2 and bordered by the *ahupua‘a* of Moeauoa on the south and Keahuolū to the north. Extending from the shore at Kailua (Kai-a-ke-akua) Bay, Lanihau is cut off by Honua‘ula *Ahupua‘a* at about 2,400 feet elevation. Lanihau literally translates as “cool heaven” (Pukui et al. 1976:128).

Kamakahonu

As previously mentioned, several large and densely populated royal and high chiefly centers were located along the shoreline between Kailua and Hōnaunau (Cordy 1995, Tomonari-Tuggle 1993). One such center was located along the north end of Kailua Bay at Kamakahonu. According to Pukui et al. (1976), Kamakahonu literally means the turtle eye. Chiefly residence at Kamakahonu was possibly established as early as the sixteenth century by ‘Umi-a-Līloa. It was during the early nineteenth century that Keawe a Mahi, a *kahu* of Keawe a Heulu presided over Kamakahonu, and upon the death of Keawe a Mahi, Kamakahonu became the residence of Kamehameha I and his royal entourage (‘I‘i 1963).

In “*Na Hunahuna no ka Moolelo Hawaii*” (Fragments of Hawaiian History), native historian and member of the Kamehameha household, John Papa ‘I‘i wrote about Kamehameha’s move from Kalake‘e to Kamakahonu upon the death of Keawe a Mahi. Kamehameha first moved into the former residence of Keawe a Mahi. He then built another house on the seaward side of that residence, which ‘I‘i calls a *hale nana mahina* ‘ai. This house was built high on stones and faced directly upland toward the planting fields of Kuahewa. Like an observation post this house afforded a view of the farm lands and was also a good vantage point to see canoes coming from South Kona and from the Kailua vicinity. Based on ‘I‘i’s descriptions, Paul Rockwood prepared a sketch (Figure 5) showing a possible spatial distribution of the features within Kamakahonu.

During Kamehameha’s tenure at Kamakahonu several structures were erected using both traditional materials and techniques and more “modern” materials and techniques. ‘I‘i (1963:119) describes that the “King erected three houses thatched with dried ti leaves,” a sleeping house (*hale moe*) and separate men’s (*hale mua*) and women’s (*hale ‘āina*) eating houses. The *hale ‘āina* belonged to Ka‘ahumanu, and as ‘I‘i described:

This house had two openings in the gable end toward the west, and close to the second opening was the door of the sleeping house. A third opening was in the end toward the upland.

There were three openings in the sleeping house. The one in the middle of the west end, one which served as a window on the upland side of the southwest corner, and one mauka of the window. This window lay beyond the men’s house (*mua*) on the south. The door mauka of the window was the one entered when coming from the men’s house.

The door of the men’s house closest to the sleeping house was the one used to go back and forth between these two houses. There was also a door in the end wall on the west side of this house, and two small openings in the south seaward corner, one in the upper side and one on the lower side of the corner. These faced the many capes of Kona and took in the two extremities of this tranquil land and the ships at anchor. However, should the ships be more to the ocean side, only the masts were visible. A fifth opening was a little on the seaward side of the northeast corner, where the upland side of the men’s house extended a little beyond the sleeping house, and it was only through this entrance that the men went in and out. It was near the door that was used to enter from the sleeping house. Near the door facing westward in the *mua*, was the king’s eating place. On the upper side were large and small wooden containers that served as bowls and platters, together with a large poi container always filled with poi from the king’s lands.

. . . The men’s eating house, the sleeping house, and the women’s eating house were at the end of a 7- to 8-foot stone wall that ran irregularly from there to the shore at the back of the *hale nana mahina* ‘ai. Outside of the wall was the trail for those who lived oceanward of Kamakahonu. Immediately back of the wall was the pond of Alanaio, where stood some houses. (‘I‘i 1963:119)

Describing further construction ‘I‘i notes that:

Two eating houses were built for Kaheihimalie and her daughter, Kekauluohi, opposite the three houses thatched with ti leaves. They stood back of the *kou* trees growing there at Kamakahonu, both facing northwest. Kaheihimalie’s eating house had two doors, but Kekauluohi’s had but one door. In front of her house was a bathing pool, at the upper bank of which were some small houses and that of the king. (ibid.:120)

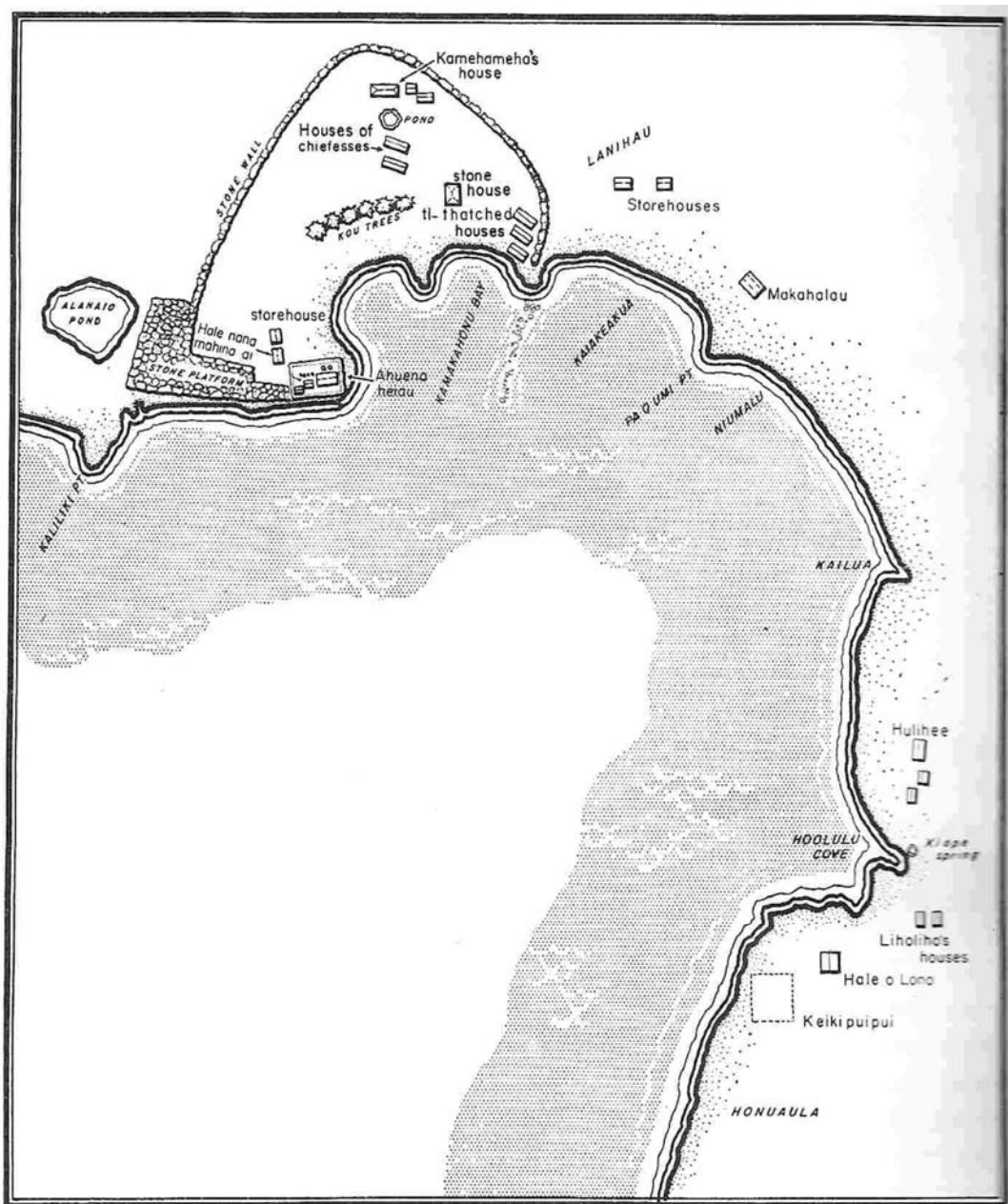


Figure 5. Map prepared by Paul Rockwood based on 'I'i's (1959) description of Kamakahonu.

‘Ii continues his description:

A stone house was built between the three houses thatched with ti and those of these chiefesses. Its builder was either a Frenchman or a Portuguese named Aikona. He was skilled in such work, . . . (ibid.:120)

When Aikona began building the end and side walls of the house at Kamakahonu he built a third wall between them and arranged stones in the center of this middle wall to form a door. The walls rose together until the house, from one end to the other, was finished. When Aikona later removed the stones set up in the doorway of the center wall, the doorway looked like the fine arched bridge of Pualoalo at Peleula in Honolulu. As he removed the stones, Aikona explained that had they been piled inexpertly, the whole house might have collapsed. This house was well completed. In the stone house were stored the king’s valuables and those of Aikona’s. These valuables were kegs of rum and gunpowder and guns, of which the guns and powder were placed on the inside near the inner wall. . . . (ibid.:120)

Later, another storehouse was built in Kamakahonu, on the north side of the *hale nana mahina ‘ai*. It had stone walls and was constructed like a *maka halau*. The upper of its two stories was for storing tapa, *pa ‘u*, malos, fish nets, lines, and *olona* fiber; and all other goods went into the lower story. The thatching was of sugar-cane leaves, the customary thatching on the house along that shore. Dried banana trunk sheaths were used for the inside walls and were cleverly joined from top to bottom. Banana trunk sheaths were also used in the *hale nana mahina ‘ai*. (ibid.:121)

‘Ii ends his description with what was perhaps the last building that was constructed during Kamehameha’s tenure at Kamakahonu:

After these houses were built, another heiau house, called Ahuena, was restored (*ho‘ala hou*). This house stood on the east side of the *hale nana mahina ‘ai*, separated from it by about a chain’s distance. The foundation of Ahuena was a little more than a chain from the sand beach to the westward and from the rocky shore to the eastward. Right in front of it was a well-made pavement of stone which extended its entire length and as far out as the place where the waves broke. . . . (ibid.:123)

A series of early written Western accounts spanning a time frame from about 1815 to 1823 (see also Barrère 1975) describe the social and economic milieu of Kamakahonu. While these accounts contain descriptions of some of the interiors of the residential structures within the royal compound, the most detailed descriptions were focused on Ahu‘ena House and document the transition of Kamakahonu from royal compound to fort (Arago 1823, 1840; Choris 1822; Corney 1896; Ellis 1827; Freycinet 1826, 1839; Holman 1931; Kotzebue 1821; Wiswell and Kelly 1978). Figure 6 is lithograph of a drawing prepared by Choris, a member of the Kotzebue expedition that anchored in Kailua Bay in 1816 and 1817. Ahu‘ena House had only been standing a few of years at that point and as ‘Ii (1963) described was actively used by Kamehameha. Kotzebue describes the “king’s camp” at Kamakahonu as he saw it in 1816:

. . . the view of the king’s camp was concealed only by a narrow tongue of land, consisting of naked rocks, but when we had sailed round we were surprised at the sight of the most beautiful landscape. We found ourselves in a small sandy bay of the smoothest water, protected against the waves of the sea; on the bank was a pleasant wood of palm-trees, under whose shade were built several straw houses; to the right, between the green leaves of the banana-trees, peeped two snow-white houses, built of stone after the European fashion . . . to the left, close to the water, on an artificial elevation, stood the morai of the king, surrounded by large wooden statues of his gods, representing caricatures of the human figure. (Kotzebue 1821:299-300)

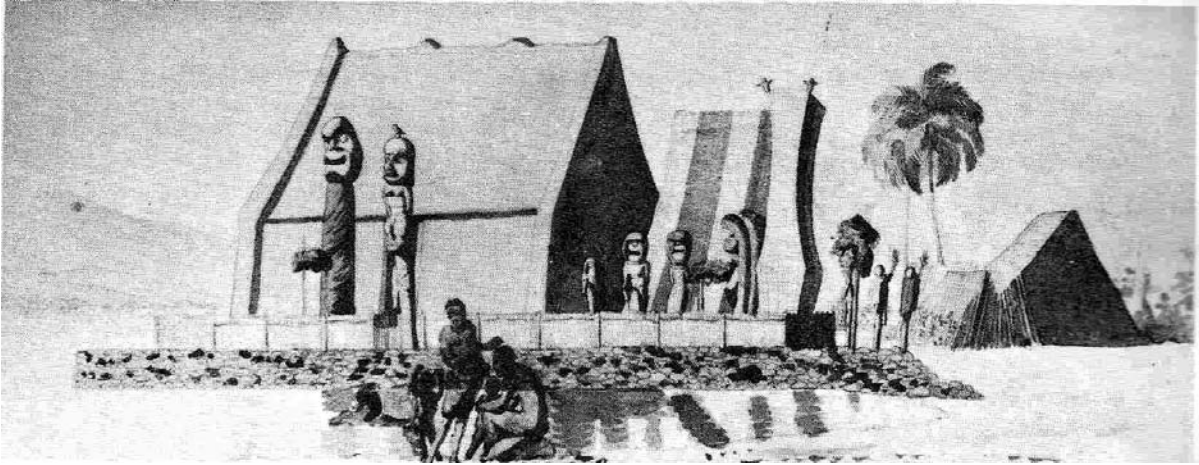


Figure 6. Lithograph of drawing of Ahu'ena sketched by Choris in 1816.

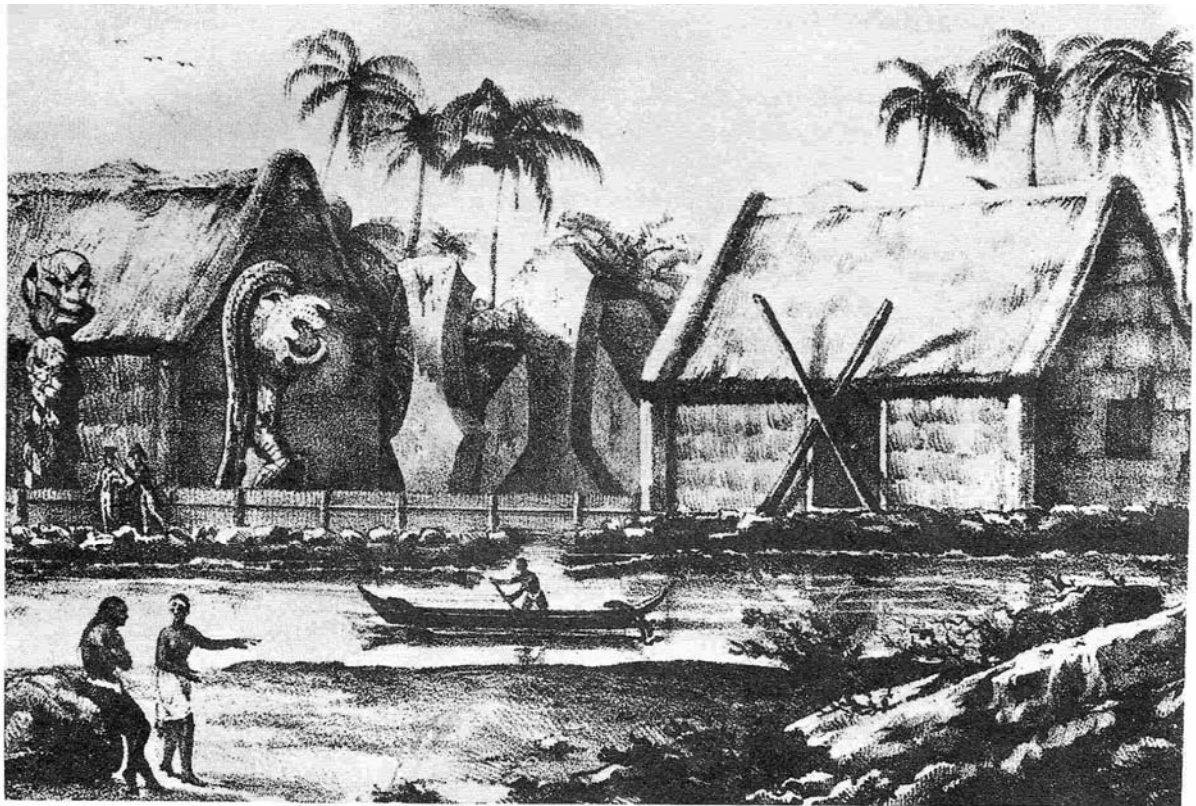


Figure 7. Lithograph of drawing of Ahu'ena sketched by Arago in 1819.

When the Freycinet expedition arrived in Kailua in 1819, three months after Kamehameha had died, Ahu'ena House had been abandoned as a place of worship with a *kapu* placed on it, and "almost all of the images there had been thrown over, and the sacred house of the sovereign was open and filled with furniture of European or Chinese origin, which had been used by the deceased king" (Freycinet 1839 Vol. 2:598; translated in Wiswell and Kelly 1978:74). Jacques Arago, an artist in Freycinet's company, prepared a drawing (Figure 7) of Ahu'ena House and an adjacent structure (perhaps a *hale poki* built to temporarily house Kamehameha's remains). He also provided the following narrative:

Governor Kookini [Kuakini] has two houses at Kairooah [Kailua]; the first one, where I was received, is his guest house; the other one is his castle, defended by two howitzers on which one may read the inscription: "French Republic." Not far away, and alongside of the great morai, is a kind of fortification made of earth and stone, where there were mounted some twenty odd guns of small caliber, protected by casements, or sheds covered with coconut leaves. Here there will be found five or six warriors without any uniform, carrying their guns on their shoulder, and walking rapidly from one end to the other of the fortification.

On the other hand, the sentinels walk very slowly along that rampart which faces the sea; and upon a hand bell being shaken by another sentry, the first one faces about to continue his beat. The tour of duty lasts one quarter hour . . . One must pass alongside of this strange earthwork . . . before one may reach the tomb of Tamahamah, towards which Berard and I were heading . . . (Arago 1840 Vol.2:60-61; translated in Houston 1940:28)

Eight months later in April of 1820 the wife of the Reverend Thomas Holman recorded the following in her diary:

April 7 . . . we went to see the ruins of the Moriah [marae] . . . It was sure enough in ruins, and such a scene of devastation, I never before beheld. There appeared to me to have been stone (solid lava) enough among the ruins of the temple, to build a city – 4 of the wooden gods are left for curiosity . . . In a large ohale (or house) near by lies buried the bones of the Great Tamahamaah—with a cross on each side, signifying Tarboo, (or no admittance). Upon this sacred ground was no common person allowed to step his foot. (Holman 1931:23)

Two years later, in April of 1822 two English missionaries report that:

. . . Accompanied by him [John Young] we visited a neighbouring marae, which, like other obsolete abominations of the kind, is now a ruin. A house has been built on that part where the corpse of the late king was laid, previous to the flesh being taken from the bones, the latter distributed among his principal chiefs, and the former committed to the flames, according to ancient usage. At this funeral pyre, five hundred dogs were sacrificed with the royal remains. (Tyerman and Bennett 1822 Vol 2:378)

In August of 1823 when the Reverend William Ellis visited the area he observed that Ahu'ena had been converted into a fort (see also Jones 1938):

Adjacent to the governor's house stand the ruins of Ahuena, an ancient heiau, where the war god was often kept, and human sacrifices offered. Since the abolition of idolatry, the governor has converted it into a fort, has widened the stone wall next the sea, and placed upon it a number of cannon. The idols are all destroyed, excepting three, which are planted on the wall, one at each end, and the other in the centre, where they stand like sentinels amidst the guns, as if designed by their frightful appearance to terrify and enemy. (Ellis 1827:436)

Kamehameha's Death and the Demise of Traditional Religion

On May 8, 1819, approximately six years after moving the kingdom capital from Honolulu to Kamakahonu, Kamehameha passed in the night. Kamakau provides the following description of that event:

... His {Kamehameha I} death occurred at night at Kamaka-honu, Kailua, Hawaii. He had been noted in his youth for his strength in the three forms of wrestling and in other sports. His strength lay in his shoulders, which were broad and muscular, and in his back. His powerful jaws showed energy and determination of character; in anger his eyes became bloodshot. But his outward appearance belied his true nature, for at heart he was a father to the orphan, a savior to the old and weak, a helper to the destitute, a farmer, fisherman, and cloth maker for the needy. When he died his body was still strong, his eyes were not dimmed, his head unbowed, nor did he lean upon a cane; it was only by his gray hair that one could tell his age.

He was a long time ill, and Ka-lani-moku and Ke'e-au-moku and the other chiefs who were away cutting sandalwood on Oahu were summoned back to Hawaii leaving Boki Kama'ule'ule as governor of Oahu and a few chiefs with him. At the beginning of his illness he was treated by such men as Ku-a'ua'u, Ka-lani-moku, Kua-ka-mauna, and others who had attended the chief before and were experts in the medicinal art. They agreed that his illness would not yield to treatment, and Kua-ka-mauna told him, "The doctors have done all they can; you must place yourself in the hands of the god who alone has power over life and death." This was done in the following manner. At the direction of the leading kahuna an 'ohi'a house was erected for Ku-ka'ili-moku, and a man demanded of the chief as a human sacrifice to the god. The people, hearing this request, all ran away and hid in the bush until the tabu should be lifted; only a few remained with the chiefs in attendance on the ruling chief. Kamehameha, however, refused to have a human sacrifice given, saying, "Men are sacred to the chief," meaning to his son Liholiho. The gods Ku-ka'ili-moku, Ku-ka-lani-ho'one'e-nu'u, and Ku-ke-olo'ewa were like rosaries worn about the neck in time of war or danger. During such a tabu ceremony, if the kahuna was allowed to continue his prayer to the end without interruption it was a sign that his request for life was granted. Ku-ka'ili-moku was in the old days a representative who acted as messenger of the god to whom the petition was offered. A sign to be noticed during the tabu was the movement of the feathers on the head of Ku-ka'ili-moku, which would stand out like hair charged with electricity and wave like a flag as a sign of consent to the request prayed for; or the god might fly from its stand to the head or shoulder or some part of the person it fancied, and this was a sign that the request had been favorably received. If none of the signs occurred the audience broke up with heavy hearts for this meant that the prayer was not granted. On this occasion Ku-ka'ili-moku gave no sign.

At the close of the kauila service the weakness of the chief increased and at the next service he sent Liholiho in his place. The chiefs and the sons and daughters of Kamehameha had heard of a kahuna who had cured many people through his mana obtained from the gods, Pua and Kapo. Pua was another name for Kalai-pahoa, and the mudhen ('*alae*) was a form of Kapo. It was said that if these gods were brought into a house the sick would be healed. Once before the chief had been cured by this kahuna, who had not come himself but sent the gods to the chief's house. They therefore built two houses, one for the male (Pua) and the other for the female (Kapo) god. Kamehameha grew no better but steadily worse, and after three days they took him from these houses to his own sleeping house. At the close of the day he was carried to the eating house, where he took a mouthful of food and a swallow of water, but when he was asked to speak made no reply. About ten o'clock he was again carried to the eating house and again took a mouthful of food and a swallow of water. Ka-iki-o-'ewa then asked him for a last word, saying, "We are all here, your younger brothers, your chiefs, your foreigner (Young). Give us a word." "For what purpose?" asked the chief. "As a saying for us" (*I hua na makou*). "Endless is the good that I have given you to enjoy" (*E oni wale no 'oukou i ku'u pono 'a'ole e pau*). Then John Young put his arms about his neck and kissed him; Ulu-maheihai bent down and whispered that he be given charge of his bones. Kamehameha was

then taken to the sleeping house. At midnight he was again moved to the eating house, but he began to gasp for breath when his head alone was inside the eating house while his body was still in the sleeping house. He was taken back to the sleeping house, and at two o'clock that morning his soul departed and he ceased to live. (Kamakau 1992: 210-211)

In his book *Kamehameha and his Warrior Kekuhaupi'o*, Desha writes of those who were in the presence of Kamehameha when he passed, questioning how he died—was the cause of Kamehameha's death spiritual or old age? A way of discovering the answer to this follows:

Some *kahuna* who performed black magic thought that Kamehameha had died because of sorcery rather than from old age. They burned some parts of his body in order to bring death to the person who had done the sorcery.

A strange thing done at that time was that the *kahuna* had set up flags at the edge of their fireplace, and an *ali'i* who was drunk came and persisted in knocking over the flags.

This was Ke'eumoku, the brother of Ka'ahumanu. All the flags were torn down by this drunken *ali'i*, and because of these actions, the death of Kamehameha was attributed to Ka'ahumanu. She and her family were defamed (*hō'ino*) by the people.

This misperception was only because of Ka'ahumanu's drunken brother. Perhaps this was one of the first signs of the loss of power of the *kāhuna* class which was completely lost afterwards. Perhaps this blame on Ka'ahumanu and her family for Kamehameha's death was the reason that Ka'ahumanu so firmly overthrew the power of the *kahuna* shortly thereafter. (Desha 2000:500)

According to old tradition, the death of Kamehameha at Kamakahounu, defiled the place along with those who came into contact with the corpse. A cleansing ceremony purified those who came into contact with the body with the following prayer (Kamakau 1992:213):

<i>E ma ka 'ai ku, e ma ka 'ai alo,</i>	Here is the food offered, here is the food offered in your favor,
<i>E ma ka 'aia, e ma ka hele huna</i>	Here is the food for the sin offering, let him be hidden
<i>E ma ka hele pa'ani</i>	Let him go and play.
<i>E ma ka uwe makena</i>	Here let there be mourning
<i>O kukakau a ka ho'olina</i>	For the dead and for his heir
<i>Papae'e A kaluako'i</i>	Let him be accepted where he is laid to rest
<i>I hemu 'oia i heu</i>	Let him go in peace,
<i>I hemu 'oia i hemu</i>	Let him go in silence

As Kamakau recounts:

At the close of the purification the *kahuna* Hewahewa said, "Where shall the ruling chief stay?" The chiefs responded in unison, "Where indeed? Are not you the one to choose the place?" "Since Kona is unclean, there are but two places for him to stay, Ka-u and Kohala." So the chiefs chose Kohala because the people there were more loyal to the chief. At dawn of day the body was carried to the house of the dead (*hale lua*), and then for the first time the

people were aware that their chief was dead, and they bewailed him with bitter weeping and gestures of despair and recalled with deep emotion his farming, fishing, and cloth making and all his fatherly acts toward them. A man named Ke-amo-hulihia was so wrought up with emotion when he saw the body borne along that he sprang upon the bier and attempted to anger the chiefs into making him into a death companion (*moepu'u*) for Ka-mehameha, but since they had heard Kamehameha's command putting a tabu upon men for the chief Liholiho, they drove Ke-amo-hulihia away, and each time that he returned they refused. Kalandi-moku also wished to be his death companion, but Ho'okio prevented him. Formerly it was customary for chiefs to show their affection in this way without caring for their own lives; it was their way of repaying their chief's kindness. In the meantime when a land was defiled by the corpse of its ruling chief, it was considered in old days the proper thing for his heir to depart to another district for some days until the bones had been cleaned (*ho'oma'ema'e ia*), covered with basketwork (*ka'ai ia*), and placed within the tower (*'anu'u*) of the heiau, as the corpses of chiefs were prepared in old days for burial. In the early morning therefore Liholiho sailed and touched at Kawaihae. When the people of Kona and of neighboring places heard of the death of the chief the voice of weeping and wailing arose and the sound of lamentation and general mourning, recalling their regret and reciting their love for their chief. It would be impossible to describe all their ways of expressing love and sorrow, even to wishing to die with him. No nation on earth could have shown more grief and affection, and these manifestations of regret lasted many days. (Kamakau 1992:213)

With the passing of Kamehameha, his heir Liholiho was given the name of Kamehameha II. Ka'ahumanu, the favorite wife of Kamehameha, announced the last commands of Kamehameha I:

O heavenly one! I speak to you the commands of your grandfather. Here are the chiefs; here are the people of your ancestors; here are your guns; here are your lands. But we two shall share the rule over the land. Liholiho consented and became ruling chief over the government (Kamakau 1992: 220):

Following the death of a prominent chief, it was customary to remove all of the regular *kapu* that maintained social order and the separation of men and women and elite and commoner. Thus, following Kamehameha's death a period of *'ai noa* (free eating) was observed along with the relaxation of other traditional *kapu*. It was for the new ruler and *kahuna* to re-establish *kapu* and restore social order, but at this point in history traditional customs saw a change:

The death of Kamehameha was the first step in the ending of the tabus; the second was the modifying of the mourning ceremonies; the third, the ending of the tabu of the chief; the fourth, the ending of carrying the tabu chiefs in the arms and feeding them; the fifth, the ruling chief's decision to introduce free eating (*'ainoa*) after the death of Kamehameha; the sixth, the cooperation of his aunts, Ka-ahu-manu and Ka-heihei-malie; the seventh, the joint action of the chiefs in eating together at the suggestion of the ruling chief, so that free eating became an established fact and the credit of establishing the custom went to the ruling chief. This custom was not so much of an innovation as might be supposed. In old days the period of mourning at the death of a ruling chief who had been greatly beloved was a time of license. The women were allowed to enter the heiau, to eat bananas, coconuts, and pork, and to climb over the sacred places. You will find record of this in the history of Ka-ula-hea-nui-o-kamoku, in that of Ku-ali'i, and in most of the histories of ancient rulers. Free eating followed the death of the ruling chief; after the period of mourning was over the new ruler placed the land under a new tabu following old lines. (Kamakau 1992: 222)

Immediately upon the death of Kamehameha I, Liholiho was sent away to Kawaihae to keep him safe from the impurities of Kamakahonu brought about from the death of Kamehameha. After purification ceremonies Liholiho returned to Kamakahonu:

Then Liholiho on this first night of his arrival ate some of the tabu dog meat free only to the chiefesses; he entered the *lauhala* house free only to them; whatever he desired he reached

out for; everything was supplied, even those things generally to be found only in a tabu house. The people saw the men drinking rum with the women *kahu* and smoking tobacco, and thought it was to mark the ending of the tabu of a chief. The chiefs saw with satisfaction the ending of the chief's tabu and the freeing of the eating tabu. The *kahu* said to the chief, "Make eating free over the whole kingdom from Hawaii to Oahu and let it be extended to Kauai!" and Liholiho consented. Then pork to be eaten free was taken to the country districts and given to commoners, both men and women, and free eating was introduced all over the group. Messengers were sent to Maui, Molokai, Oahu and all the way to Kauai, Ka-umu-ali'i consented to the free eating and it was accepted on Kauai. (Kamakau 1992: 225)

When Liholiho, Kamehameha II, ate the *kapu* dog meat, entered the *lauhala* house and did whatever he desired it was still during a time when he had not reinstituted the eating *kapu* but others appear to have thought otherwise. With an indefinite period of free-eating and the lack of the reinstatement of other *kapu* extending from Hawai'i to Kaua'i, and the arrival of the Christian missionaries shortly thereafter, the traditional religion had been officially replaced by Christianity within a year following the death of Kamehameha I.

Kamakahonu after Kamehameha I

Eighteen months after the death of Kamehameha I, in November of 1820 Liholiho (Kamehameha II) relocated what was now his royal entourage to O'ahu, and in doing so, vested in John Adams Kuakini the governorship of Hawai'i Island. As Kamakau recounts:

When Liholiho sailed to Oahu Kua-kini had already taken his luggage to the canoe when the king came and stood by his canoe and said, "Are you one of those sailing to Oahu?" When Kua-kini assented the king said, "Here is the land of Hawaii; there is food in the upland and fish in the sea; take it and eat; and we will go to Oahu." That is when Kua-kini became district ruler of Hawaii . . . (Kamakau 1992:390)

Kuakini apparently accepted Liholiho's instruction with zeal, and by 1824 had a new wood frame house (brought from America) placed within Kamakahonu in the general vicinity of the ti thatched houses that were built by Kamehameha I. As Barrère describes:

Late in 1823 the missionary Asa Thurston and his wife returned to Kailua, where they were joined by Rev. and Mrs. Artemas Bishop early in 1824. Lucy Thurston, wife of the missionary, wrote that at this time Governor Kuakini was living in a " . . . very pretty framed house with green window shades" [1882:24]. She said that the house had been brought from America and was placed in a " . . . capacious yard surrounded by a wall ten feet in height and about the same in breadth. It had quite a distinguished appearance at the head of the village" [*Ibid.*]. Her account is similar to that given by her husband Asa in a letter written on February 5, 1824, in which the enlarging of the Kamakahonu wall is dated as late 1823 or early 1824: " . . . he [Kuakini] has lately purchased a frame house, brought from America. This house adds much to the appearance of his establishment, which has been enclosing with a wall 10 or 12 feet high, and about the same in thickness" [Thurston, A. 1825]. (Barrère 1975:36)

Liholiho died in London in July of 1824, and his body was brought back to the Hawaiian Kingdom on board the British warship *Blonde*. On its return voyage to England in June of 1825, the *Blonde* called in at Kailua and reported:

We made the land of Hawaii on the 9th. The first place we distinguished was Kairua, which is the seat of government, Kuakini, or John Adams, the governor, residing there. The place contains about 3000 inhabitants, and has a fort mounting twenty guns . . . (Graham 1826:161)

It was during his term as governor that Kuakini, completed the transformation of Kamakahonu into a fort. Sometime in the early 1830s Kuakini apparently renovated the old two-story stone storehouse (located near the *hale nana mahina 'ai*) and took this as his residence. Evidence for this is cited by Barrère (1975) and based on information provided by Soreno Bishop (Bishop 1916) who lived in Kailua between 1827 and 1836. Then, in

1837 Kuakini moved into the Hulihe'e Palace, that being his final residence in Kailua as he died in December of 1844. His two-story wooden frame house had been converted into a "Government House" within the fort. As Samuel Damon who visited Kamakahonu in July of 1844 (five months prior to Kuakini's death) recorded:

We next inspected the Fort, and found some of the 32 pounders not exactly ready for service! Within the Fort's enclosures are the remains of an ancient heiau. The "grinning and staring" idols have all been removed. We found only a few chips of the last that was "cut down," and "shipped off," a few years since. An old house was pointed out to us, where tradition says, were for a short time deposited the bones of Kamehameha I. The Government house, standing within the Fort, is a two-story wooden building; we found it stored with chests, nets, etc. belonging to the Governor. (Damon 1845)

Kuakini had designated William Pitt Leleiohoku I as his heir and successor. However, the Governorship was a responsibility unsuited for Leleiohoku; he was removed by the Kingdom's Privy Council and replaced by the deputy Governor George Luther Kapeau on an interim basis in November of 1846 with a permanent appointment following in 1850. During Kapeau's interim tenure, sometime between 1846 and 1849, it appears as though the fort at Kamakahonu was made functional again. In a November 21, 1846 journal entry made by Chester Lyman describing a visit to Kamakahonu, Lyman describes the fort thusly:

It is a space on the North side of the harbor enclosed by a stone wall 10 to 15 feet high—7 cannon (iron) on carriages stand on the beach: they are 9 feet long and about 5 in. caliber. A number of other guns are mounted on the western wall. The fort is not guarded nor now in use. . . a large wooden house, two stories, with a flag staff stand just within the entrance on the East side. (Barrère 1975:340-41)

By contrast, in 1849 S. Hill, an English traveler visiting Kailua stayed at Kamakahonu:

Immediately upon our arrival, we called to pay our respects to the governor, Kapeau, a native chief, who received us with good-humored frankness, and ordered a room in the government-house to be prepared for our reception and residence; in order, as he said, that we might be as nears to him as possible during our stay in the place.

We were not long installed, before the hospitable chief came to pay us a visit, and, as it happened to be a bright moonlight night, he invited us to go at once in his company to inspect the fort, which was in front of his residence [likely the two-story stone storehouse near the *hale nana mahina 'ai*], and which in passable English he called the right arm of his strength. We found it [to] consist of a single battery commanding the bay, with twelve pieces of cannon of not very large caliber. (Hill 1856:207)

Kuakini's two-story wooden frame house, later referred to as the government house, and within which Governor Kapeau permitted the Hill party to stay, appears to have still been standing in the 1890s as documented in a photograph (Figure 8) contained in Barrère (1975:46).

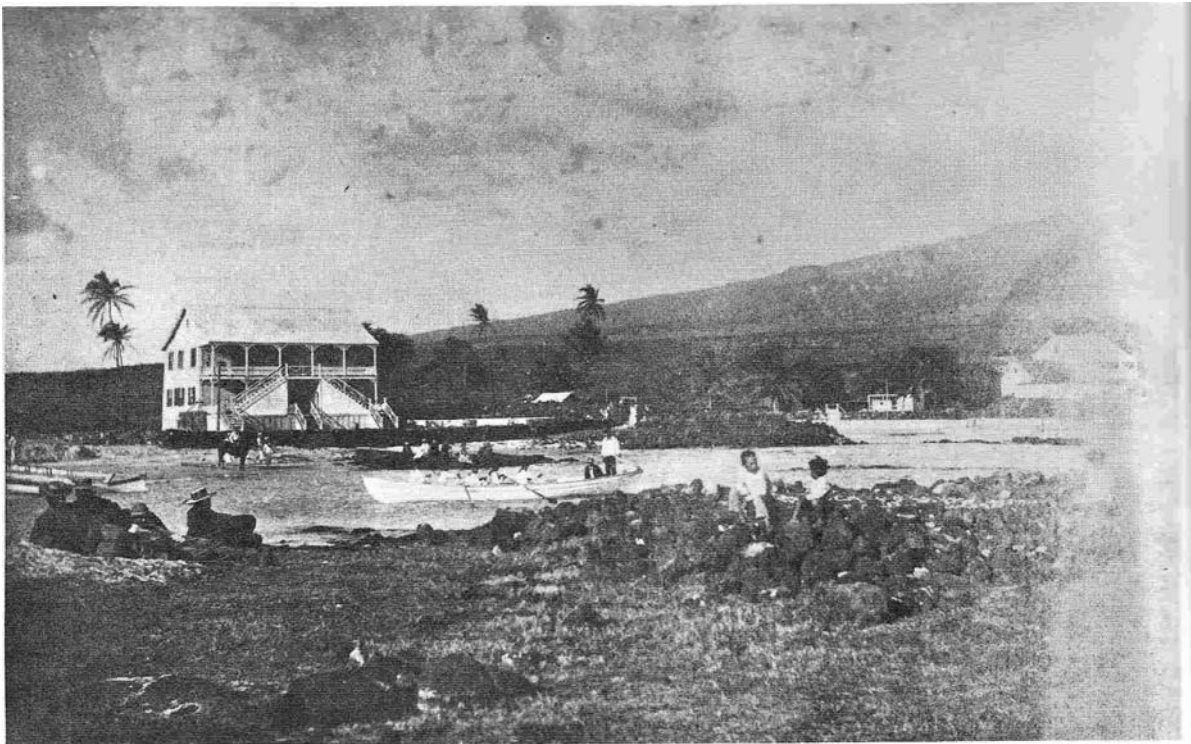


Figure 8. Kamakahonu Bay as it was in ca. 1890.

It was at the time of Kapeau's tenure as governor that the *Māhele* took place. In 1848, the Hawaiian system of land tenure was radically altered by the *Māhele 'Āina*. This change in land tenure was promoted by the missionaries and the growing Western population and business interests in the island kingdom. Generally these individuals were hesitant to enter business deals on leasehold land. The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. As a result of the *Māhele*, all land in the Kingdom of Hawai'i came to be placed in one of three categories: (1) Crown Lands (for the occupant of the throne); (2) Government Lands; and (3) *Konohiki* Lands (Chinen 1958:vii and Chinen 1961:13).

As a result of the *Māhele*, Lanihau 2nd was retained as government land, and as such was subject to *kuleana* claims made by native tenants. Three such claims were made in the vicinity of Kamakahonu. Leleiohoku claimed a *kauhale* within Kamakahonu consisting of five houses, which included the two-story stone and wooden houses, a canoe storage building. The government disputed this claim, which they denied, but allowed Leleiohoku to retain ownership of the contents of the houses.

Another claim was made for a house lot at Ahu'ena (Claim No. 10068). Mahi testified, "Greetings to the Land Commissioners: I hereby petition you for my house lot claim at Ahuena in Lanihau, an ahupuaa, in Kona. It is 120 feet on the northwest, 36 feet on the west, 126 feet on the southeast, and 63 feet on the northeast." (Native Register Vol. 8:473). Citing lack of sufficient corroboration, the Land Commission denied the award. The Commission did however grant an award (LCAw. 7969) to Kalaikua'iwa for a house lot that was also claimed at Ahu'ena, situated in the center of what is now Tax Map Parcel 3-7-5-05:012 (see Figure 2) to the west of the current project area. Kalaikua'iwa's claim reads:

Greetings to the Land Commissioners of the Hawaiian Islands: I hereby state to you that I, Kalaikua'iwa, have a house lot claim. In the front it is 21 fathoms, on the south, 16 fathoms, in the back, 18 fathoms, on the north, 15 fathoms. Those are the dimensions of my house lot at Ahuena in Kailua. A portion of it is walled, however it is not finished; but the rocks are there, which were brought for the wall that is not completed. I hired people to bring these rocks, with coconuts. That is the only makana.

To you, the honorable commissioners. (Native Register Vol. 8:520)

Kapeau was succeeded as governor of Hawai'i by Ruth Ke'elikōlani, the widow of William Pitt Leleiohoku. She proceeded to move the office of governor to Hilo and the residences and fort at Kamakahonu fell into further disrepair. As Jones claims, "In 1861 there were neither soldiers nor policemen stationed at Kailua." (1938:47).

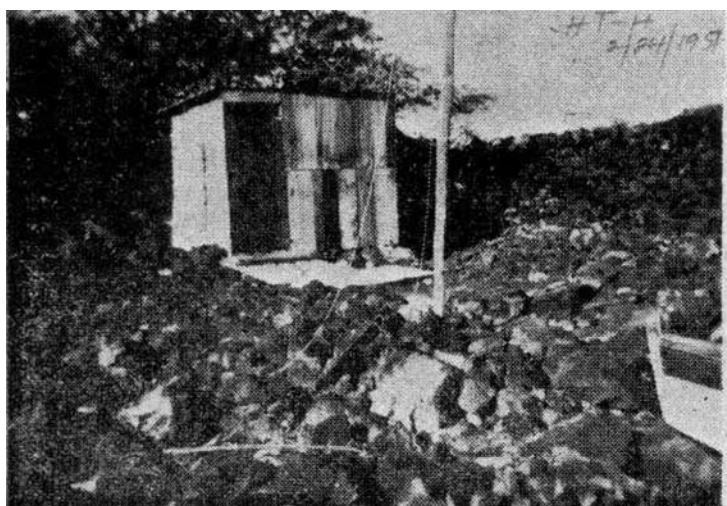
As government land, Lanihau 2nd became part of the post-*Māhele* land granting program that the Kingdom established to help provide native tenants further opportunity to obtain fee-simple land of which they may not have been a recipient of during the earlier division. In 1875 the government sold as a grant a portion of Kamakahonu to William Pitt Leleiohoku II (Royal Patent No. 3148:2) what seems to correspond to what today are referred to as Tax Map Parcels 3-7-5-06:24 and 32. Leleiohoku II was the *hānai* son of Ruth Ke'elikōlani, his parents being Kapa'akea and Keohokalole. Leleiohoku II died two years later in 1877 and his estate was inherited by his sisters Lili'uokalani and Likelike and his brother King Kalākaua. The sisters sold their interest in Kamakahonu to their brother in 1885. Kalākaua converted the two-story stone warehouse/residence into a boathouse for whale boats; its appearance at that time was probably similar to as it appears in Figure 9. Upon Kalākaua's death in 1891, his Kamakahonu land along with the rest of his estate went to Queen Kapi'olani.



Figure 9. Two-story stone storehouse, possibly *Hale 'Ili Mai'a*, as seen in ca. 1910 (Barrère 1975:48).

Following the death of Kapi'olani in 1899, the Kamakahonu property remained in her estate until 1911, at which time H. Hackfield & Company bought the holdings at Kamakahonu from her estate. William Simonds, the company's historian, recorded that at that time "Another store was opened . . . in a building that once belonged to King Kalakaua. An old stone barracks served as the store's warehouse" (Simonds 1949:64). H. Hackfield & Company reorganized in 1918, and all of the company's holdings in Kailua were conveyed to American Factors, Limited, which became Amfac, Inc., the parent company that owned the property when the first hotel was opened for business in 1960. Figure 10 shows the condition of the Kamakahonu shoreline as it was in 1951 prior to the hotel development. This hotel was arranged in an arc and was situated just back from

the beach primarily occupying a portion of Tax Map Parcel 3-7-5-06:032 (Figure 11). The present King Kamehameha Kona Beach Hotel was completed in 1975, the built environment of which primarily occupies land *mauka* of Kamakahonu (Figure 12). As can be seen from upon close examination of Figure 11, in 1977 the *lū'au* grounds were located closer to the hotel restaurant. It wasn't until sometime between 1977 and 1980 that the *lū'au* was moved to its present location (Figure 13).



CONTRAST—In sharp contrast is another Kona spot of historic interest. This is the specially constructed place where Kamehameha the great came to live for the 40 days of cure that he hoped would give him a few more years of life. Old, tired and ailing, he wished to be near the priest of the heiaus Ahuena-i-Kamakahonu-i-Koi-i-Kekua. It is believed he died on this site. The small house is used to store fish nets.



HISTORIC SPOT—Pointing to the need for designation and possible preservation of historic spots is this view of the area where Kamehameha the Great is believed to have spent his last days. Discarded tin roofing, logs, glass, tin cans and old tires clutter up the spot. The uprights that marked the entrance to Kamehameha's place have long since fallen down and have been removed from the site.—Photos by Rebecca Banks, Kailua.

Figure 10. Kamakahonu as documented in the Hilo Tribune Herald February 24, 1951.



Figure 11. 1968 aerial photograph of the project area.



Figure 12. 1977 aerial photograph of the project area.



Figure 13. 1980 aerial photograph of the project area.

PRIOR STUDIES

As early as the first decade of 1900s, the Bishop Museum was conducting field studies of ancient Hawaiian sites, primarily *heiau* that had been historically documented or were known locally (Thrum 1907). In the vicinity of the current study area, Thrum described ‘Ahu‘ena as “an ancient heiau, of or prior to the time of Liloa . . . , and the first to be repaired by Kamehameha I” (1907:43). Following up on Thrum’s work, In 1906 John F.G. Stokes conducted 5 months of fieldwork documenting *heiau* sites on the Island of Hawai‘i (Stokes and Dye 1991). Stokes visited ‘Ahu‘ena and described it as follows:

Heiau of ‘Ahu‘ena, on the Land of Lanihau, District of North Kona. Situated on the rocky point of Kawahaokaki‘i, on the west side of Kailua Bay, 650 feet southwest of Pa-o-‘Umi. Changed between 1819 and 1823. The name ‘Ahu‘ena is from Ellis and is not known locally. The site at present is marked by a long mound of waterworn stones extending into the sea. The longer axis is approximately east and west. No features of the original foundation were distinguishable. (Stokes and Dye 1991:43-44)

The Bishop Museum continued to study the ancient sites of Hawai‘i through the services John Reinecke, who in 1930 conducted an archaeological reconnaissance survey of the coast extending from “Ahuena Fort in Kailua to Kalahuipuaa, South Kohala” (Reinecke n.d.). Making no mention or reference to Kamakahonu, Reinecke describes what he calls “Ahuena Heiau and Fort” as Site 1:

This structure, being large and at once apparent to all the old voyagers, has been often described by them. In its present form, it presents none of the features of the original heiau and probably very few of those of the fort . . . Within the fort, on the path, are two papamu, one 10 x 10 or 10 x 11, the other apparently 6 x 7 –perhaps incomplete—and two rudo [sic] petroglyphs. (Reinecke n.d.:1)

Reinecke’s sketch map (Figure 14) that accompanied his descriptions seems to indicate that Ahu‘ena extended across an area from the edge of Kailua Bay westward beyond a large pond. The bulk of the constructed environment of Ahu‘ena appears to be on the western side of the stone wall that marks the western boundary of the hotel property. The area of the present-day reconstructed *heiau* is identified as “loose rock of old platform” on Reinecke’s sketch map (see Figure 14). Reinecke also shows a three-sided ruin he labels “wall of modern building,” which seems to be all that remained in 1930 of the two-story stone storehouse called “Hale ‘Ili Mai‘a” (pictured in Figure 8) that was reportedly demolished in 1917 (Barrère 1975:44).

These early studies are the foundation for the more recent archaeological surveys, and coupled with the Rockwood map in ‘I‘i (1963:118) also may have unintentionally added to the confusion that surrounds the location and identification of Ahu‘ena Heiau. From a focused reading of ‘I‘i (1963) it seems that Ahu‘ena Heiau and Ahu‘ena House are two different structures. Ahu‘ena Heiau being the older of the two “stood beside Kamakahonu” (1963:117); and Ahu‘ena House, referred to as a “heiau house,” “stood on the east side of the *hale nana mahina ‘ai*, separated from it by about a chain’s distance.” (1963:122). ‘I‘i further described this latter feature:

Ahuena house, which was a heiau, was enclosed with a fence of lama wood and within the fence, toward the front on the west and facing inland, there was an *anu‘u* tower. A row of images stood along its front, as befitted a Hale o Lono. Images stood at the northwest corner of the house, with a stone pavement in front of them that extended as far as the western gate and as far as the fence east of the house. On the west side of the outer entrance was a large image named Koleamoku, on whose helmet perched the figure of a plover.

In the center of the house was a fireplace for cooking bananas. Opposite the door at the back wall of the house, in line with the fireplace and the entrance, was a Kane image. This image was of the nature of an *ololupe* god, a god who led spirits; and that part of the house was his place. All the bananas cooked there were laid before his *kuahu* altar, where those who took part in the ceremony prayed. (‘I‘i 1963:123)

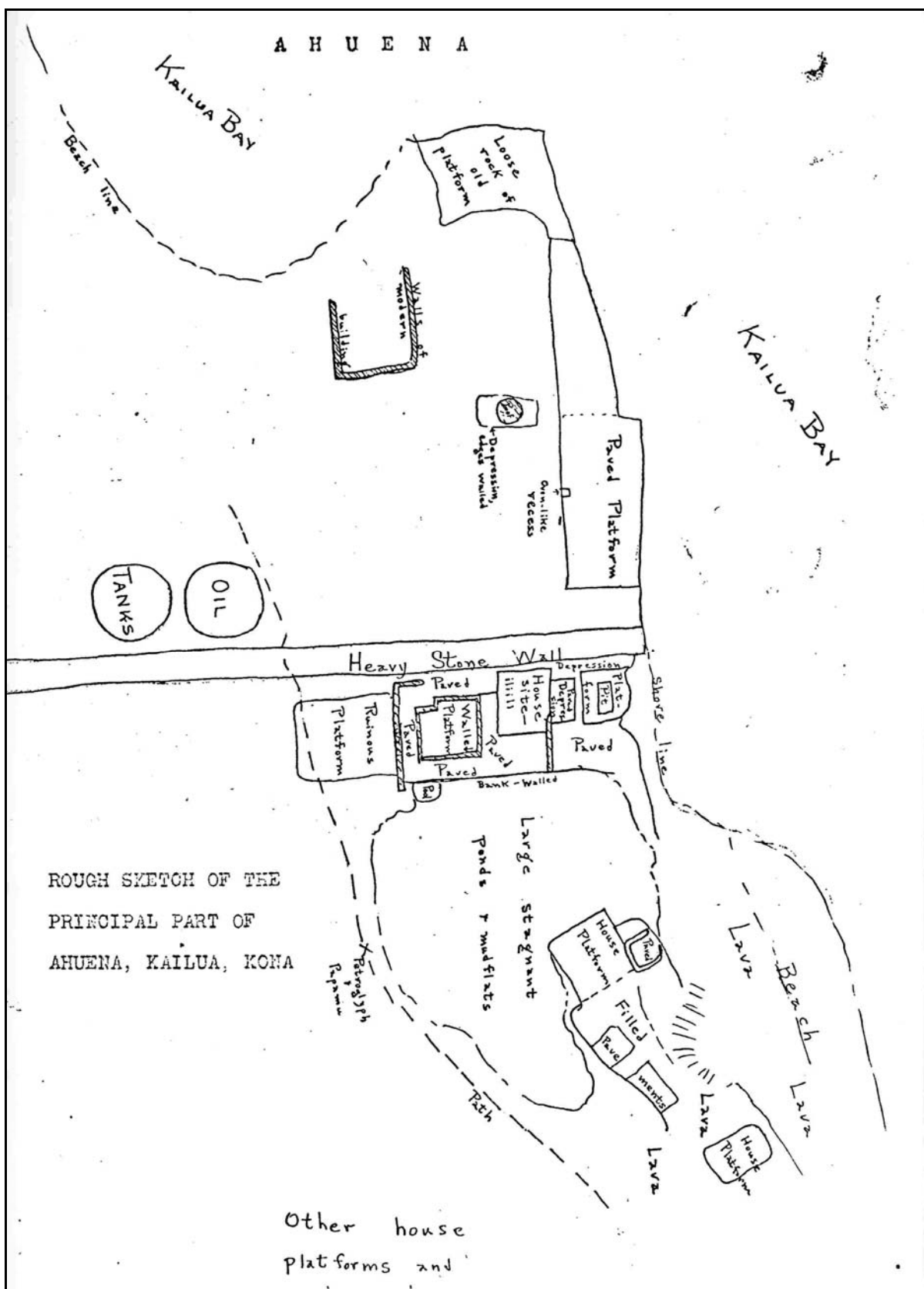


Figure 14. Reinecke's (n.d.:21) 1930 sketch of "Ahu'ena."

Thus, the current restored Ahu'ena Heiau is more properly a restoration of Ahu'ena House, a personal/residential *heiau* built by Kamehameha sometime around 1813. It is within this house that a "secret council met . . . to discuss matters pertaining to the government and to loyalty and rebellion. . . . The council said that the *ololupe* god would perhaps be charged to bring hither the spirits of the rebellious to be destroyed ('I'i 1963:123). 'I'i's descriptions perhaps then suggest a duality to Ahu'ena House, externally it appeared and functioned as a "Hale o Lono," while internally and secretly, offerings were made at an altar dedicated to an *ololupe* form of Kāne.

In 1954 Henry Kekahuna and Theodore Kelsey (with cultural assistance from Kekahuna's uncle Naluahine Ka'opua) penned a newspaper serial (printed in thirty-seven installmentments between February and April in the Hilo Tribune Herald) about the history and historic sites of Kailua-Kona entitled *Kamehameha In Kailua*. Kekahuna also prepared a series of maps showing historical features of the downtown Kailua-Kona area.

The historical features of Kamakahonu and events that took place there are described in installment six of the newspaper series dated March 6 1954. Kekahuna and Kelsey relate that:

Ka-mehameha's permanent residence, near 'Ahu-'ena Heiau, consisted of three thatched houses known collectively as ku-nui-a-kea—Great Ku Sires by (or Descended from) Wa-kea. These houses stood a short distance back from the picturesque cove of Ka-maka-honu, with its beautiful small crescent beach of white sand, almost adjoining the longer insweep of the former excellent main beach of Kai-lua, pride of the village.

About the middle of Ka-maka-honu's little beach, just above its upper edge, the King's two-story stone building, Ka Hale 'Ili-Mai'a—Literally, The House of Banana Peels—stood grandly forth. It would have been Ka-mehameha's palace had he not disdained residence in a foreign building, its lower part was used for the storage of canoes, boats, and fishermen's supplies; the upper floor was used for general storage.

Two of Kekahuna's maps are of particular interest for the current study as they depict former elements of Kamakahonu and Ahu'ena Heiau. The map that shows Kamakahonu was printed in 1953 and then again with some minor modifications in 1955 (Figure 15). On this map within Kamakahonu, Kekahuna depicts and describes nine numbered and three lettered features:

1. King Kamehameha I's permanent residence in Ka-maka-honu, comprising three houses known collectively as Ku-nui-a-kea.
2. Hale-'ili-mai'a, a two-story building built by a Frenchman. It was used by the king as a council chamber and storehouse.
3. King Ka-mehameha I's battery of eighteen 32-puonder guns, which after his demise were placed on the wall of the enclosure of Ka-maka-honu by Gov. Kua-kini.
4. Foundation of Hale Pua-'ilima, the house in which King Ka-mehameha I was placed during his last illness, and where he breathed his last on May 8, 1819.
5. In this pool King Ka-mehameha I raised tiny red shrimps ('opae 'ohuna 'ula) as bait for 'opelu, aku, and other fishes
- 6-6. Sites of the two houses of Chief Ke-awe-a-Mahu, following whose decease Kamehameha came into possession of the land Ka-maka-honu through Chief Ka-'awa, the kahu of Chief Na-ihe.
7. This was the largest building in Ka-maka-honu, and was used as an ammunition storehouse, In it was held the historic feast upon the occasion of the breaking of the ancient tabu that forbade men and women to eat together. This event occurred about Nov. 1819, shortly before the arrival of the first missionaries.

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8. Chief Kua-kini's residence, with two mortars placed in front of it. It was built after King Ka-mehameha I had passed away, as during his lifetime only he, his several wives, and the young Chiefess Ke-kā-ulu-ohi, resided in the royal enclosure.

Chief Kua-kini was never a member of the King's council. It was only after the succession of King Ka-mehameha II, or Liholiho, that Kua-kini's sister, the Regent Ka-ʻahu-manu, appointed her brother as Governor of the Island of Hawaii. He was also known as Gov. Adams.

9. Site of the residence of Chiefess Ke-kā-ulu-ohi, now occupied by the Kai-lua Gymnasium. In front of the house, between it and the east wall, was a spring.

A. This southern stonewall of the enclosure of Ka-maka-honu was constructed as a protective sea-wall. It is 285 feet long, and tapers from a width of 37 feet at its junction with the south end of the west wall, just outside of which, at this point, lies ʻAhu-ʻena Heiau, to a width of 10 feet at the entrance of Ka-maka-honu Cove, where its eastern termination forms the curving end of the little point of Ka-waha-o-ka-kiʻi, and then extends inward for 40 feet. On this wall Gov. Kua-kini placed some of the guns removed from the line along Ka-maka-honu Cove.

B. The southern end of western wall, which end is 200 ft. long, by 8 ft. wide, by 4 ft. high. On the outside of its lower portion it is adjoined by ʻAhu-ʻena Heiau. On this portion of wall Gov. Kua-kini placed most of the remaining guns at Ka-maka-honu Cove. Thus arose the mistaken impression that he placed guns in ʻAhu-ʻena Heiau.

From this south end of the west wall a section 337 ½ ft. long, by 4 ft. wide extends to meet the termination north section which is 113 ½ ft. long, by 8 ft wide, by 8 ft. high. At the point of junction with the northern section was an original entranceway.

C. The northern wall, 212 ft. long, by 8 ft. high. Between it and Wai-kauila Fish Pond, as well as all along beside its continued former course, ran an ancient trail paved with medium-sized rocks.

D. Adjoining the northern wall, and extending in the same direction, ran its continuing section about 110 ft. long, by 8 ft. wide, by 8 ft. high, removed to make room for modern improvements, as was also the adjoining eastern wall, 240 ft. long by 8 ft. wide, by 8 ft. high.

The second map (Figure 16), sketched in 1954 was reportedly based on fieldwork conducted in 1950. This map places Ahu-ʻena on the western side of the wall that forms the western boundary to Kamakahonu.

A critical examination of the historical data presented both in the newspaper serial and on the maps indicates that while the information is in a general sense correct, the accuracy of the details is inconsistent with and in some cases contradictory to other historical sources, particularly that of ʻIʻi (1959) whose descriptions are firsthand, and should be given primacy with respect to interpreting the historical record. Additionally, while a useful resource, Kekahuna's maps suffer from a lack of scale and orientation, as well as potential historical accuracy as indicated above.

There have been numerous (well over fifty), more modern archaeological studies conducted within the Lanihau *ahupuaʻa* (see also Spriggs and Tanaka 1988). These studies can be segregated into three primary geographically area of focus, near the old airport and current Kona Bay Estates (Estiolo-Griffin and Lovelace 1980; Jensen and Rosendahl 1983; Neighbor Island Consultants 1973; Neller 1980; Newman 1970; M. Rosendahl 1984; P. Rosendahl 1979a, 1980a; Soehren 1976; Stasack and Stasack 2004; Yent 1982), in the vicinity of the current Lanihau Shopping Center (Barrera 1990; Hammatt et al. 1993; Rechtman 2005; Rechtman and Dougherty 2000; M Rosendahl 1988; P. Rosendahl 1979b; Schilt 1981; Soehren 1979), and in the vicinity of the current project area (Pietruszewsky 1989; Rechtman Consulting, LLC in prep.; P. Rosendahl 1980b; Vernon 1975-1977). It is this latter category of studies upon which we will focus.

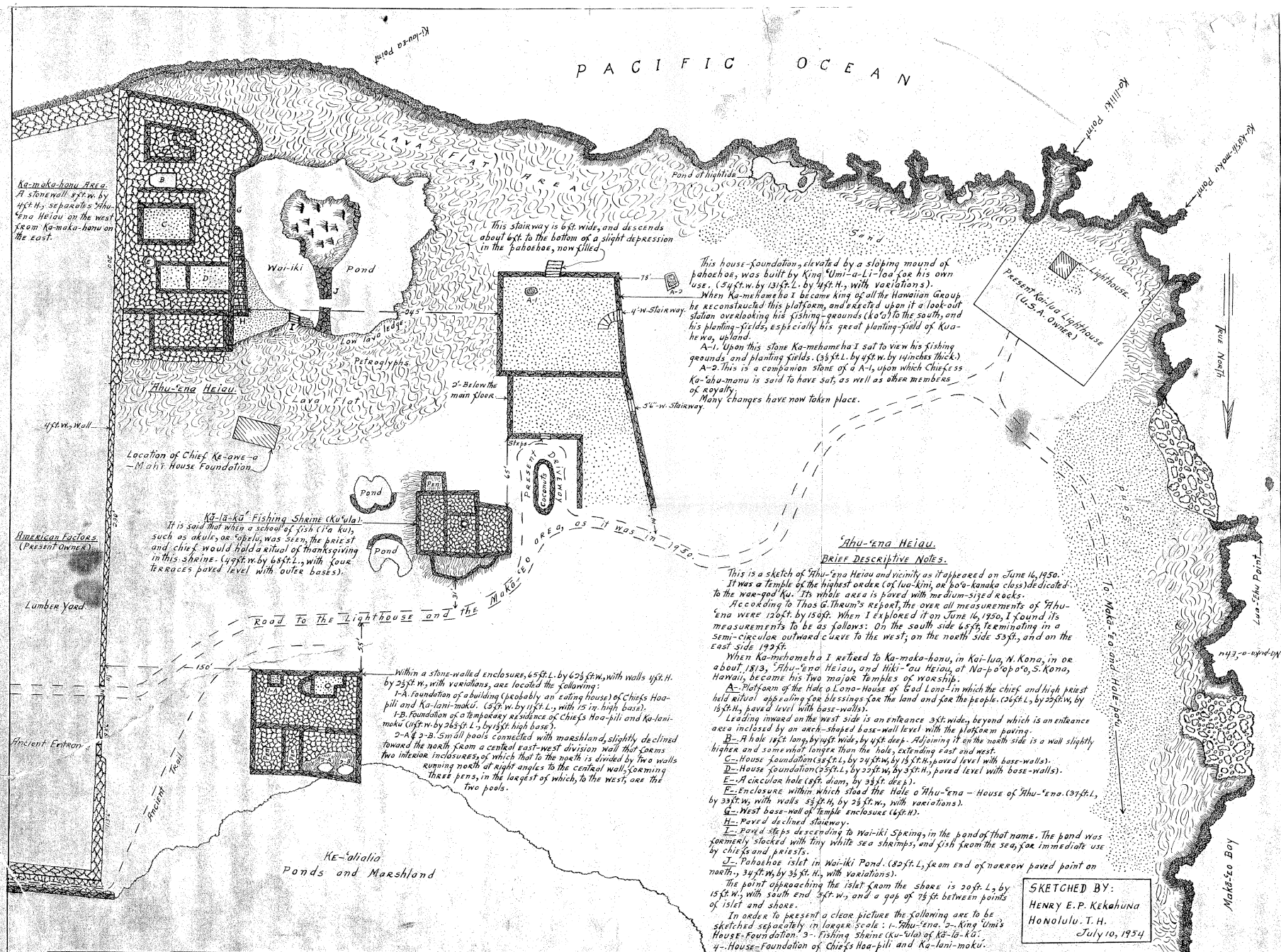


Figure 16. 1954 Kekahuna map of Ahu'ena and vicinity.

Rosendahl (1980) conducted an archaeological reconnaissance survey of the former Thurston property immediately adjacent, and to the west of Kamakahonu; the same area that was mapped by Reinecke (see Figure 14), and that is depicted in Kekahuna's 1954 map (see Figure 16). Describing the area as barren *pāhoehoe* flats with slight inclines, low domes, shallow sinkholes and several small brackish-water ponds, Rosendahl found that "none of the surface structural remains recorded by Reinecke in 1930, and still present in 1940, were any longer surviving." (1980:6). He also noted extensive "bulldozer tread and blade scraping marks cut into the lava surface over much of the survey area." (1980:2). Rosendahl identified a total of twenty features, which included several petroglyphs and *papamū*, two stone walls, a raised platform, a modified pond (retaining wall), a multi-feature residential complex, a modified lava blister, and surface scatters of artifacts and bone. Rechtman Consulting LLC is currently conducting an archaeological inventory survey of this same project area. Fieldwork has been completed and the report is under preparation. Preliminary findings support those of the earlier reconnaissance, and subsurface testing conducted at four locations documented shallow bedrock (within seventy centimeters of the surface at the deepest) immediately below a buried, highly mixed (historic and modern cultural material) and thin (about 10 centimeter thick) cultural layer, which in turn was overlain with clean sand. One would expect that the undisturbed areas (if any exist) within Kamakahonu would have a similar subsurface profile.

A search of the records on file at DLNR-SHPD indicates that human skeletal remains have been inadvertently found over the years within the sandy beach area of Kamakahonu. The remains recovered from one such discovery made in August of 1989 were subject to analysis by Michael Pietruszewsky (1989). Based on his analysis two individuals were represented by the skeletal material, a juvenile (11-15 years of age) and an infant (roughly 2 years of age). Following analysis the remains were returned to the hotel for reburial. These remains appear to have been re-interred and monumented with a stone feature that is now within a *naupaka* hedge to the north of the reconstructed Ahu'ena mortuary platform. DLNR-SHPD records indicate that a second inadvertent discovery was made in January of 1995. The records are silent with respect to the nature of the remains other than that they were human. DLNR-SHPD retrieved the skeletal material and notified the hotel ownership of their preference for reburial on the property and perpetual preservation. These remains are still in the possession of DLNR-SHPD.

In 1975, Amfac Inc. presented the Bishop Museum with a plan for the reconstruction of the Ahu'ena area within the grounds of the King Kamehameha Kona Beach Hotel. Between 1975 and 1977, the Bishop Museum conducted archaeological excavations at Ahu'ena as part of a project that resulted in the reconstruction of several of the extreme coastal features of Kamakahonu including Ahu'ena Heiau (House), *Hale Nana Mahina 'Ai*, and what is described as a mortuary platform. The following individuals participated in this work: Yosihiko H. Sinoto, Museum Coordinator; Kenneth P. Emory, Museum consultant; David K. Roy, Jr. Field Director; Tom Dye Field Archaeologist; Catherine Vernon, Assistant Archaeologist and Field Recorder; and Kenneth Akana, Keawe Alapai, Albert Carter, William Hanchett, Obed Hooper, Lambert Kahananui, Joseph Keka, Calvin Kelekolio, Francis Mokuohai, Carlton Roy, Jim Simmons, and Francis Waiau who served as masons, woodworkers and all around laborers. This reconstruction effort took almost a year and a half to complete. Notching and lashing techniques came from Russell Apple's (1971) book *The Use, Construction, and Adaptation of the Hawaiian Thatched House*. Both Tom Dye and Yosihiko Sinoto were contacted as part of the present study. Tom remembers very little about the project and referred us to Dr. Sinoto, who likewise remembers very little about the project and in turn referred us to a series of field reports prepared by Catherine Vernon. In describing the Museum's work at Kamakahonu, Hammatt, et al. lament that, "[d]espite the fact that [some] of Hawaii's best known archaeologists were involved in the Ahu'ena research, no final archaeological report was produced on this research and virtually no archaeological data is presented in Vernon's 23 reports" (1993: 26). In the acknowledgments to her reports, Vernon thanks Amfac Inc. "for providing the funding that allowed reconstruction of 'Ahu'ena Heiau as a symbolic and visible monument to the heritage of the Hawaiian people." Vernon's reports are presented in their entirety as Appendix A.

SUMMARY OF CONSULTATION

A significant part of this cultural impact assessment was consultation with individuals and organizations that have a connection with the project area, be it cultural, spiritual, religious, genealogical, or occupational. Table 1 is a listing and summary of the individuals and organization contacted. While most of these participated in the consultation process, a few chose not to do so. All of the interviews were informal, that is they were not recorded and transcribed. Interviewees were shown a copy of the proposed renovation plan (see Figure 3), and written notes were taken during the interviews. All interviewees that chose to participate in this process were provided a copy of the current report.

Table 1. List of organizations and individuals consulted.

<i>Organization/Individual</i>	<i>Participated</i>	<i>Comments</i>
Ahu'ena Heiau Inc.	Y	<ul style="list-style-type: none"> • Protection of Ahu'ena during renovation. • Document archaeological finds during renovation.
Kona Hawaiian Civic Club	Y	<ul style="list-style-type: none"> • Access to Ahu'ena not be restricted. • Questions of ownership of Ahu'ena. • Access to Ahu'ena for cultural practices should not be limited.
Ke Akua Hawai'i Ko Aloha	Y	<ul style="list-style-type: none"> • Preserve the access rights of cultural practitioners. • Remove <i>lū'au</i> from sacred area.
Kanaka Council	Y	<ul style="list-style-type: none"> • Relocate <i>lū'au</i>. • Protection of traditional and customary practices.
Royal Order of Kamehameha - Kona (Wayne I'okepa)	N	No comment, deferred to Ahu'ena Heiau Inc.
Clement Kanuha, Jr.	Y	<ul style="list-style-type: none"> • Area already heavily disturbed. • Preserve access for legitimate cultural practices.
Hanale Fergerstrum	Y	<ul style="list-style-type: none"> • Relocate <i>lū'au</i>, too noisy to practice religion. • View Kamakahonu as a religious site.
Kalani Nakoa	Y	<ul style="list-style-type: none"> • Protection of Ahu'ena during renovation.
Keiki Kawaia'e'a	Y	<ul style="list-style-type: none"> • Relocate <i>lū'au</i>. • Protect environment by installing 'ōpala and recycle receptacles. • Possible alleviation of traffic. • Renovation will improve appearance of area.
Pualani Kanahele	N	No comment
Kate Winter	Y	<ul style="list-style-type: none"> • Location of <i>lū'au</i> is too close to <i>heiau</i>. • Good to relocate pool away from beach.
Larry Kimura	Y	<ul style="list-style-type: none"> • Maintain cultural relevance. • Improve interpretive aspects of Kamakahonu.
Pila Wilson	N	No comment
Geraldine Bell	N	No comment
Elaine Jackson-Rotondo	N	No response
Mikahala Roy	N	Refused to participate

The Executive Board of Ahu'ena Heiau Inc. was contacted to discuss any potential impact the remodeling of the King Kamehameha Kona Beach Hotel would have to Kamakahonu. The format of this interview was an unstructured meeting at the King Kamehameha Kona Beach Hotel and a walk around the Ahu'ena Heiau area. Ahu'ena Heiau Inc. had three concerns: first, that access to Ahu'ena Heiau not be restricted, thus allowing those who would like to practice their cultural beliefs the ability to do so; second, that the renovations would not pose any threat to the *heiau*; and third, that any subsurface archaeological remains encountered during renovations be documented.

The proposed renovation plan was presented to members of the Kona Hawaiian Civic Club at one of their regularly scheduled meetings held at the Department of Hawaiian Home Lands La‘i‘ōpua Community Center. The Club had requested that we attend their meeting and present the plan so that they could receive firsthand information about what the renovation was to entail; they had been hearing rumors that Ahu‘ena was to be destroyed. The presentation was well received, and collectively concerns of the Club members revolved around land ownership issues and access related to Ahu‘ena. They were insistent that access to the *heiau* for cultural practices should not be limited in any way.

On June 11, 2008 (Kamehameha Day) Rechtman Consulting, LLC was invited to accompany Ke Akua Hawai‘i Ko Aloha for their annual *E Ala E* (sunrise) procession and ceremony at Ahu‘ena. They began preparations at a beach area in Kalaoa known as Ho‘ona, then assembled at the Kailua Pier. The group of about thirty proceeded along the beach area in front of the King Kamehameha Kona Beach Hotel, through the *lū‘au* grounds to the small beach adjacent to the reconstructed *hale nana mahina ‘ai* and Ahu‘ena. There they presented offerings at the *heiau*, which were received by Mikihala Roy presiding as *kahu*. The hotel was not given advance notice of this activity nor did they require any such notice. The collective *mana‘o* from this group of practitioners was that they would like to continue to enjoy free access to the *heiau* and to have the commercial *lū‘au* moved further away from what they consider a sacred area.

Rechtman Consulting, LLC met with the Kanaka Council at the Queen Lili‘uokalani Children’s Center in Hilo. The proposed renovation plan was presented to the council and their *mana‘o* was sought. They understood that the renovations would not directly impact Ahu‘ena and questioned why we were doing this assessment project if that site was not going to be impacted. It was explained that a portion of the existing hotel sits on the historic site of Kamakahonu, and that is why we were conducting the present study. The remainder of the consultation meeting did not deal in any constructive way with the issue at hand. In the end, the one relevant recommendation offered by the members was that they would like to see the *lū‘au* grounds moved away from Ahu‘ena so that *lū‘au* activities do not interfere with cultural practices that take place at that site.

Clement Kanuha, Jr. (Junior) is a *kama‘āina* of Lanihau and has lived in Kona his entire life. Junior was consulted by telephone. In his youth Junior frequented the Kamakahonu area and what is now the hotel and Ahu‘ena. He related that when he started paddling with the Kai‘ōpua Canoe Club, the canoes were kept in the vicinity of the Ahu‘ena reconstruction (prior to its reconstruction it was a pile of rocks) and the current *lū‘au* area. When the *lū‘au* moved to its current location in about 1978 or 1979, the canoes were moved to where they are now at the location of the former Kailua Gymnasium. Junior expressed the sentiment, with regret, that as a result the placement of the first hotel in the late 1950s early 1960s, and the current hotel in the middle 1970s, what may have remained of Kamakahonu has already been destroyed.

Hanale Fergerstrom, Temple of Lono Priest, was interviewed and had the following comments: the proximity of the *lū‘au* is too close for him to comfortably practice his religion; during the renovations more consideration should be given to Kamakahonu as a religious site. He suggests that the *lū‘au* be moved to the cooking pit area, and that the former ‘ōpae pond that lies under the current *lū‘au* area be restored. It is Hanale’s belief that by addressing his concerns over the location of the *lū‘au*, that would function to lessen the potential for conflicts with Hawaiian practitioners.

Keiki Kawai‘ae‘a, Director, Kahuawaiola Indigenous Teaching Program, University of Hawai‘i at Hilo, feels the hotel’s use of Ahu‘ena as a backdrop may impact on the privacy of native practitioners. It is her belief that any active sacred site needs to be given the same, or as close to as possible, privacy as those going to a Christian church. Another concern she had was that the renovation plan does not depict the location of the *lū‘au* grounds, and she felt the plan downplays the use of Kamakahonu as a *lū‘au* grounds and thus the renovation plan gives a false impression there will be no *lū‘au*. An important concern for Keiki is the protection of the environment, with renovations the possibility there would be more people coming to the hotel and beach; she strongly feels the hotel should ensure there are sufficient receptacles for ‘ōpala and recyclables. With respect to view planes, Keiki suggested that there should be trees planted to provide privacy for those using Ahu‘ena in their religious practices. Overall, Keiki expressed that the proposed renovation will improve the look of the area, which is important in that the hotel surrounds Ahu‘ena, a sacred site. Moving the pool further back and creating an open air arcade is a good idea to her. The parking lot having more trees will make it look nicer, and as a *kama‘āina* she hopes that the relocation of the main entrance will alleviate traffic in the area.

Kate Winter, Ph.D. who works for the Kona Historical Society, offered comments as a private person who is not speaking on behalf of the Kona Historical Society. She is married into a Kona family and is familiar with the history of Kamakahonu through her years of work with University of Hawai‘i, the Kona Historical Society, and Hulihe‘e Palace. It is her opinion that moving the pool area further away from the beach is good, and that the opening of the central area of the hotel will give a *kama‘āina* feel. She is concerned that the parking spaces near the pier will be removed. She questioned if the *lū‘au* will be moved from its current location as she has often heard folks complain that it is too close to the *heiau*. She also expressed her hope that the hotel will continue to showcase the arts and crafts that are currently being displayed.

Larry Kimura, a Hawaiian Studies professor at the University of Hawai‘i at Hilo, feels that the hotel ownership should recognize the cultural significance of the area and consider Kamakahonu as an asset.

An interview with Kalani Nakoa (a *kahu* of Ahu‘ena) was conducted, although he declined to allow any information from the interview to be released. However, he did want to publicly express one concern, that being his concern for the safety of Ahu‘ena Heiau during the renovation activities

The following people were also contacted but declined to participate in this process (citing too busy, possessing no *mana‘o* on this subject, not their *kuleana*, or simply not responding to our consultation request) Pila Wilson, Hawaiian Studies Professor at the University of Hawai‘i at Hilo, Pualani Kanahele; Geraldine Bell, Superintendent, Pu‘uhonua o Hōnaunau NHP and Kaloko-Honokōhau NHP; Wayne I‘okepa, *Ali‘ai moku*—Royal Order of Kamehameha–Kona, and Elaine Jackson-Retondo, National Historic Landmark Program.

An attempt was made to interview Mikahala Roy of Kulana Huli Honua but Ms. Roy vehemently declined to participate in the consultation process.

IDENTIFICATION AND MITIGATION OF POTENTIAL CULTURAL IMPACTS

The OEQC guidelines identify several possible types of cultural practices and beliefs that are subject to assessment. These include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs. The guidelines also identify the types of potential cultural resources, associated with cultural practices and beliefs that are subject to assessment. Essentially these are nature features of the landscape and historic sites, including traditional cultural properties. In the Hawai‘i Revised Statutes–Chapter 6E a definition of traditional cultural property is provided.

“Traditional cultural property” means any historic property associated with the traditional practices and beliefs of an ethnic community or members of that community for more than fifty years. These traditions shall be founded in an ethnic community’s history and contribute to maintaining the ethnic community’s cultural identity. Traditional associations are those demonstrating a continuity of practice or belief until present or those documented in historical source materials, or both.

The origin of the concept of traditional cultural property is found in National Register Bulletin 38 published by the U.S. Department of Interior-National Park Service. “Traditional” as it is used, implies a time depth of at least 50 years, and a generalized mode of transmission of information from one generation to the next, either orally or by act. “Cultural” refers to the beliefs, practices, lifeways, and social institutions of a given community. The use of the term “Property” defines this category of resource as an identifiable place. Traditional cultural properties are not intangible, they must have some kind of boundary; and are subject to the same kind of evaluation as any other historic resource, with one very important exception. By definition, the significance of traditional cultural properties should be determined by the community that values them.

It is however with the definition of “Property” wherein there lies an inherent contradiction, and corresponding difficulty in the process of identification and evaluation of potential Hawaiian traditional cultural properties, because it is precisely the concept of boundaries that runs counter to the traditional Hawaiian belief system. The sacredness of a particular landscape feature is often times cosmologically tied to the rest of the landscape as well as to other features on it. To limit a property to a specifically defined area may actually partition it from what makes it significant in the first place. However offensive the concept of boundaries may be, it is nonetheless the regulatory benchmark for defining and assessing traditional cultural properties. As the OEQC guidelines do not contain criteria for assessing the significance for traditional cultural properties, this

study will adopt the state criteria for evaluating the significance of historic properties, of which traditional cultural properties are a subset. To be significant the potential historic property or traditional cultural property must possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

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

While it is the practice of the DLNR-SHPD to consider most historic properties significant under Criterion D at a minimum, it is clear that traditional cultural properties by definition would also be significant under Criterion E. A further analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities resulted from the *Ka Pa'akai O Ka 'āina* v Land Use Commission court case. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired; and third, specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

It is well documented that a portion of the King Kamehameha Kona Beach Hotel sits on the National Historic Landmark Site of Kamakahonu (SIHP Site 10-27-7002). Kamakahonu is clearly significant under four of the five evaluation criteria, Criterion A, B, D, E, and as a location in and of itself should always be considered a significant place (a *wahi pana*). We know from historical sources, archaeological investigation, and oral information that the remaining features of Kamakahonu of archaeological and cultural significance include the reconstructed features (Ahu'ena House, *Hale nana mahina 'ai*, and the mortuary platform), what remains of the perimeter walls, and a reburial feature currently located within a *naupaka* hedge to the north of the mortuary platform. All of these features should be protected against impacts during the proposed renovation activities. Although not directly related to the proposed renovation, it is nonetheless recommended that the current hotel ownership work with DLNR-SHPD to re-inter the human skeletal remains (perhaps in proximity to the existing reburial feature) that were unearthed in 1995, and that are presently in DLNR-SHPD's possession.

In an effort to educate visitors and *kama'āina* alike about the significance of Kamakahonu, a description of the site's former features, as presented in 'I'i (1959), with an accompanying map showing a layout of Kamakahonu (a revised version of the Paul Rockwood map shown in Figure 5), and a recounting of the significant historical events that occurred at Kamakahonu should be developed and become part of the new museum/gallery space that is proposed for a portion of the former retail space. This is not intended to be viewed as a mitigative measure that counter balances the cumulative devastation that has befallen Kamakahonu (nor is it the *kuleana* of the current hotel ownership to do so), but simply is suggested as an educational tool to help preserve a historically accurate memory of what once was.

Beginning in the 1950s, we know that the entire area of the current hotel has been repeatedly subject to major ground-altering activities; we also know that human skeletal remains have been found in the beach area. Therefore, however unlikely, it is possible that intact subsurface archaeological remains, be they features or deposits, could be encountered during the proposed renovation. To mitigate potential effects to possible buried resources within Kamakahonu and its immediate surrounding area, archaeological monitoring is recommended during subsurface demolition or development activities. Such monitoring will provide for an immediate response if any such resources are discovered, and assuage any concerns that DLNR-SHPD might have with respect potential effects on as of yet unknown subsurface cultural deposits within and adjacent to Kamakahonu.

While it should be recognized that the reconstructed features of Ahu'ena House and *Hale nana mahina 'ai* no longer hold archaeological significance, they hold great cultural significance for modern practitioners. Ahu'ena House and *Hale nana mahina 'ai*, along with the cultural activities that take place there, are considered sacred by Hawaiian cultural practitioners. The hotel ownership should make a concerted effort to continue to allow access to Ahu'ena by cultural practitioners during and subsequent to the proposed renovation.

Another topic which consistently came up during the consultation process was that of the *lū'au* grounds and its proximity to the reconstructed Ahu'ena House, *Hale nana mahina 'ai*, and mortuary platform. While this area is not a part of the proposed renovation, and will not be impacted during the proposed renovation, some discussion of this topic is warranted, if for no other reason than provide both historical and cultural perspectives relative to the establishment, use, and maintenance of this area. As discussed earlier, Ahu'ena House, *Hale nana mahina 'ai*, and mortuary platform were reconstructed in 1975 with considerable involvement from the community and government agencies; the previous hotel owner, AMFAC, also built the *lū'au* grounds at the same time. As the reconstructed features began to show signs of age and were in need of maintenance and repair the hotel, uncertain how to proceed, helped to form a non-profit organization that was specifically established to handle the planning, fundraising and care of the site. This non-profit organization, Ahuena Inc., was formed with the hotel, the State Historic Preservation Division, OHA, the Kona Hawaiian Civic Club, Hulihee Palace and other Hawaiian organizations represented on its board.

In 1990, when AMFAC was considering selling the property, they explored several options for the continued care of the reconstructed features. The National Park Service, the State Historic Preservation Division and other agencies were consulted but all refused or were unable to commit to the site's management. It was at that point in time that restrictive covenants (Appendix B) were legally established that set out the rights and responsibilities for the perpetual management of the Parcel 24 portion of Kamakahonu, which contains the reconstructed features and the *lū'au* grounds. Two management zones were established: Zone 1 containing the reconstructed features, and Zone 2 containing the adjacent *lū'au* grounds (Figure 17). These covenants specify, among other things, that within Zone 1, the hotel ownership is to "maintain and repair the Buildings and Premises in a good and sound state of repair so as to preserve the architectural, historical or archaeological integrity of the Premises in order to protect and enhance those qualities that made the property eligible for listing on the National Register of Historic Places." The covenants further state that, "the Premises [shall] be accessible to the public without charge on a minimum of three hundred (300) days per year from 10:00 a.m. to 4:00 p.m., and at other times by appointment . . ." The perpetual covenants also established the right "to continue the current commercial luau use on zone 2." The Grantor of these covenants is the State Historic Preservation Division, and they have the sole responsibility for enforcement.

In the thirty plus years since the reconstruction effort was completed, Ahu'ena House, *Hale nana mahina 'ai*, and mortuary platform have morphed into a cultural symbol associated with a renaissance in Hawaiian cultural and religious practice. These features are now used on a regular basis by modern practitioners, who may hold views about the site that differ from their immediate forbearers. Some of those views are clearly in conflict with the presiding covenants, especially with respect to the continued use of the *lū'au* ground in close proximity to "their place of worship." The current ownership, through the conduct of the present study (and from other sources), has been made aware of the views of modern practitioners, and this ownership remains committed to honoring the existing perpetual covenants that have been legally established for the preservation and use of this portion of Kamakahonu.

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APPENDIX A—Bishop Museum Ahu‘ena Progress Reports

PROGRESS REPORT NO. 1

NOVEMBER 11-25, 1975

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA HEIAU PLATFORM
AND HALE NANA MAHINA'AI AT KAMAKAHONU, SOUTH KOHALA, ISLAND OF HAWAII

by

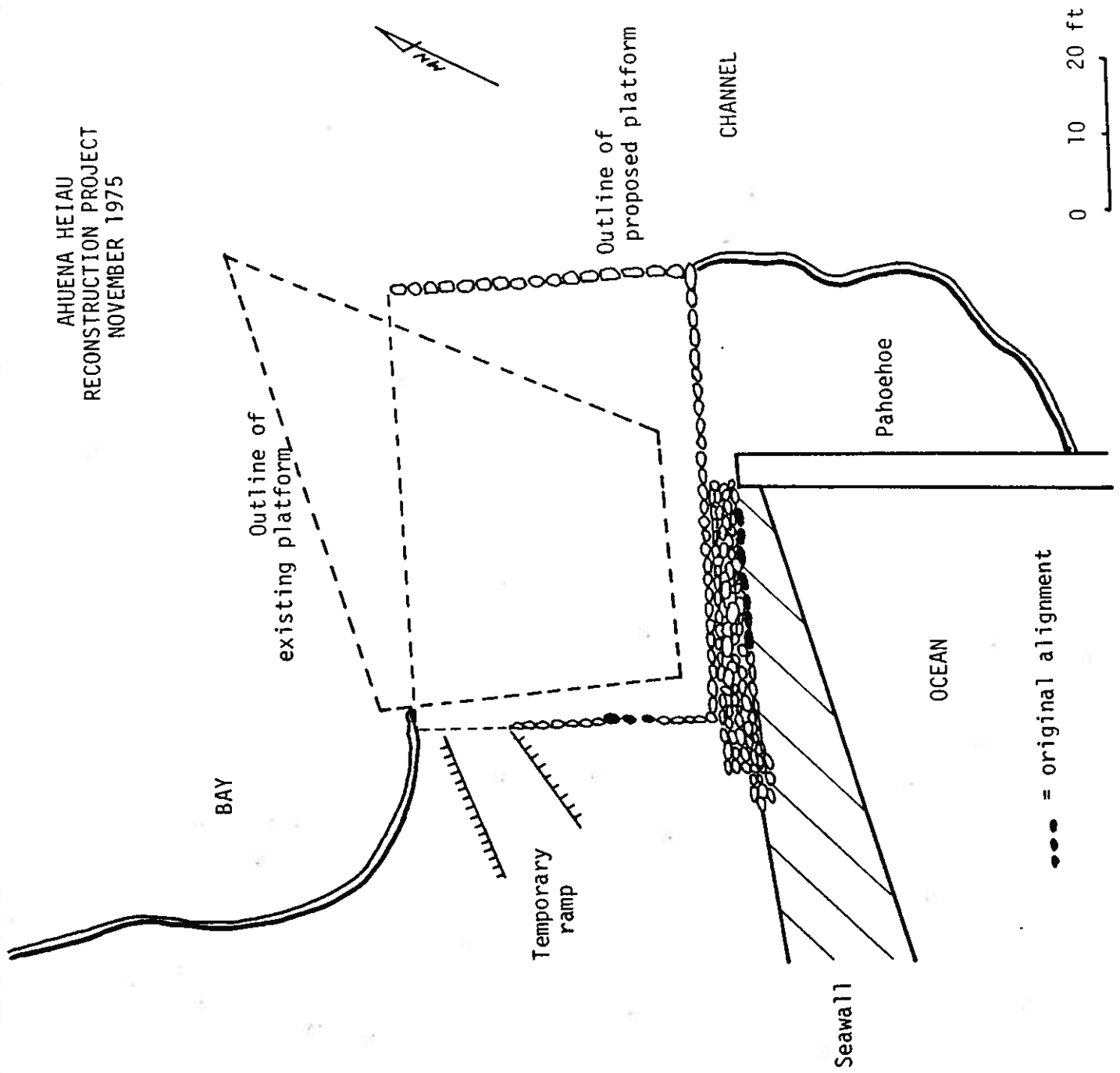
Catherine Vernon
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Department of Anthropology
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On November 11, 1975, Dr. Yosihiko Sinoto, Museum Coordinator, gave instructions to Mr. David Roy, Field Director, and Ms. Catherine Vernon for work procedure and for establishing the alignments of the South and West walls to form an outline for the reconstructed platform. Actual fieldwork began on November 13. By November 25, the following items of work had been completed:

- (1) site surface was cleared of gas pipes
- (2) ramp was built for crane and backhoe access to heiau platform
- (3) corner markers were set for reconstructing platform, full 40 by 60 ft
- (4) fallen foundation stones from East wall foundation were dredged from channel
- (5) large foundation stones were laid for East wall and area of South wall exposed by sea
- (6) fill was removed from between seawall and South wall
- (7) possible aligned stones and foundation, exposed at the base of the present South wall, were recorded
- (8) Southwest corner of the platform and part of the West wall, extending from the corner to the ramp, were laid, using what appeared to be the original wall foundation; this wall was built up to one course from proposed platform height, 5.5 ft
- (9) after removal of rubble, South wall foundation was built and wall was raised to within one course of completed height
- (10) removal of Northeast corner of present platform was begun
- (11) possible original wall alignment in seawall on South side of platform was repaired, extending to 1.75 meters beyond the Southeast corner of the reconstructed platform
- (12) removal of rubble on North wall of present platform was begun.

AHUENA HEIAU
RECONSTRUCTION PROJECT
NOVEMBER 1975



PROGRESS REPORT NO. 2

November 26 - December 12, 1975

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA HEIAU PLATFORM
AND HALE NANA MAHINA'AI AT KAMAKAHONU, SOUTH KOHALA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder

Department of Anthropology
Bernice P. Bishop Museum

On November 24, 1975, we were informed by the Planning Department, County of Hawaii, that a work-stop order was in effect on our project because the work involves areas in nearshore waters. A compromise was reached by Herb Kane which allows our crew to continue work as long as there is no entry into the water. Work has been hindered, therefore, and much slower than during the previous two weeks. The following items have been completed:

1. A test trench, 8.55 meters long, 1.75 meters wide, and 1.35 meters deep, was excavated along the proposed North wall alignment. Profiles of the South and West faces of the trench were completed.

2. The trench depth was increased by 1.25 meters to reach the pahoe-hoe base (2.60 meters below surface).

3. All rubble and loose material was cleared from the platform surface.

4. All rubble and loose material was cleared from the North wall.

5. The possible original North wall alignment was exposed (bearing, 210°; see map). The decision to use this alignment changes the shape of the platform from the originally proposed 40-by-60-ft dimensions, necessitating an extension of the West wall to a total length of 44.2 ft (13.5 meters).

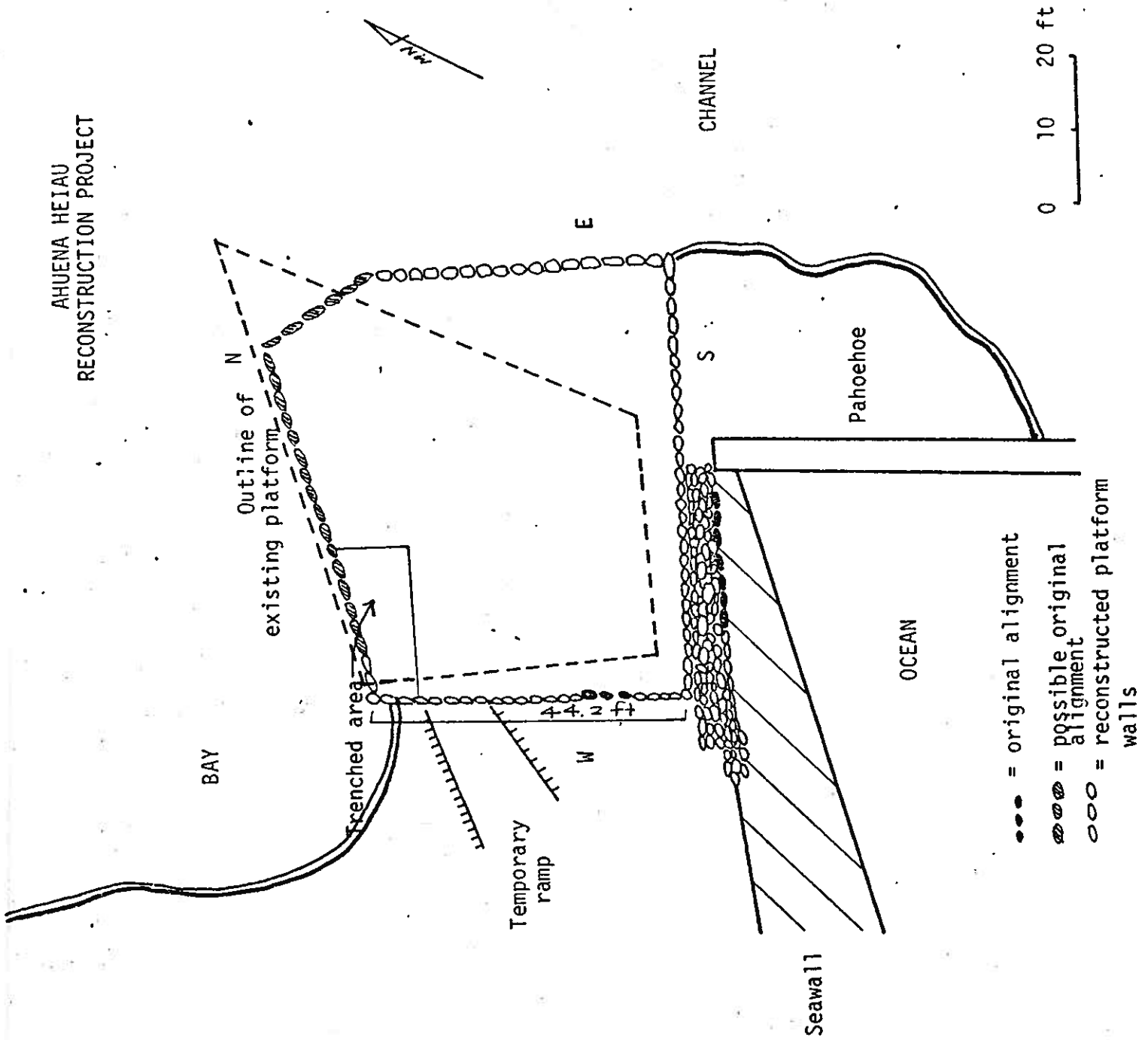
6. Rubble and loose material were removed from the Northeast corner of the present platform down to low-tide level, and a possible original wall alignment was found. If this alignment were extended to 40 ft in length, it would reach out into the channel; therefore the decision was made to retain only the intact portion of the alignment up to the intersection with the reconstructed East wall.

7. A 3.9-meter portion of the western end of the North wall was removed to investigate the foundation alignment and to set a sound footing for reconstruction.

8. The North and West walls were extended to intersect (2.4 and 1.3 meters, respectively).

9. The Northwest corner and the North wall were set and constructed to 1.58 meters high. The wall is double-faced and 1 meter wide.

AHUENA HEIAU RECONSTRUCTION PROJECT



PROGRESS REPORT NO. 3

December 15, 1975 - January 5, 1976

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA HEIAU PLATFORM
AND HALE NANA MAHINA'AI AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon

Assistant Archaeologist and Field Recorder

Department of Anthropology

Bernice P. Bishop Museum

During this period, all four walls of the heiau platform were constructed to finished height, and archaeological excavation was begun.

The nine-person crew laid the foundation for the Northeast corner, completed the North wall to a height of 6 ft 3 in. at the Northwest corner base, and completed the East wall. The completed wall lengths and bearings are as follows:

North wall: 60.4 ft long, bearing 210° from Northwest corner
East wall: 60 ft long, bearing 315° from Southeast corner
West wall: 44.3 ft long, bearing 310° from Northwest corner
South wall: 58.9 ft long, bearing 50° from Southwest corner.

The walls were constructed according to the following general procedures:

- (a) existing foundations were stabilized, and new foundations were laid where necessary;
- (b) faced walls were raised, double-faced where possible;
- (c) spaces between faced walls and original platform were filled with stone and gravel.

Specifically, the following work was completed:

1. The East wall required a new foundation. Its bearing, different from that of the existing wall, allowed space for a double-faced core-

filled wall at least 40 in. wide at the base and 1 ft wide at the top.

2. The West portion of the North wall was laid on existing alignment. The foundation required stabilization.

3. Reconstruction of the West wall required removal of the backhoe ramp and joining of the Northwest and Southwest segments of the wall, a 17.5 ft-long segment.

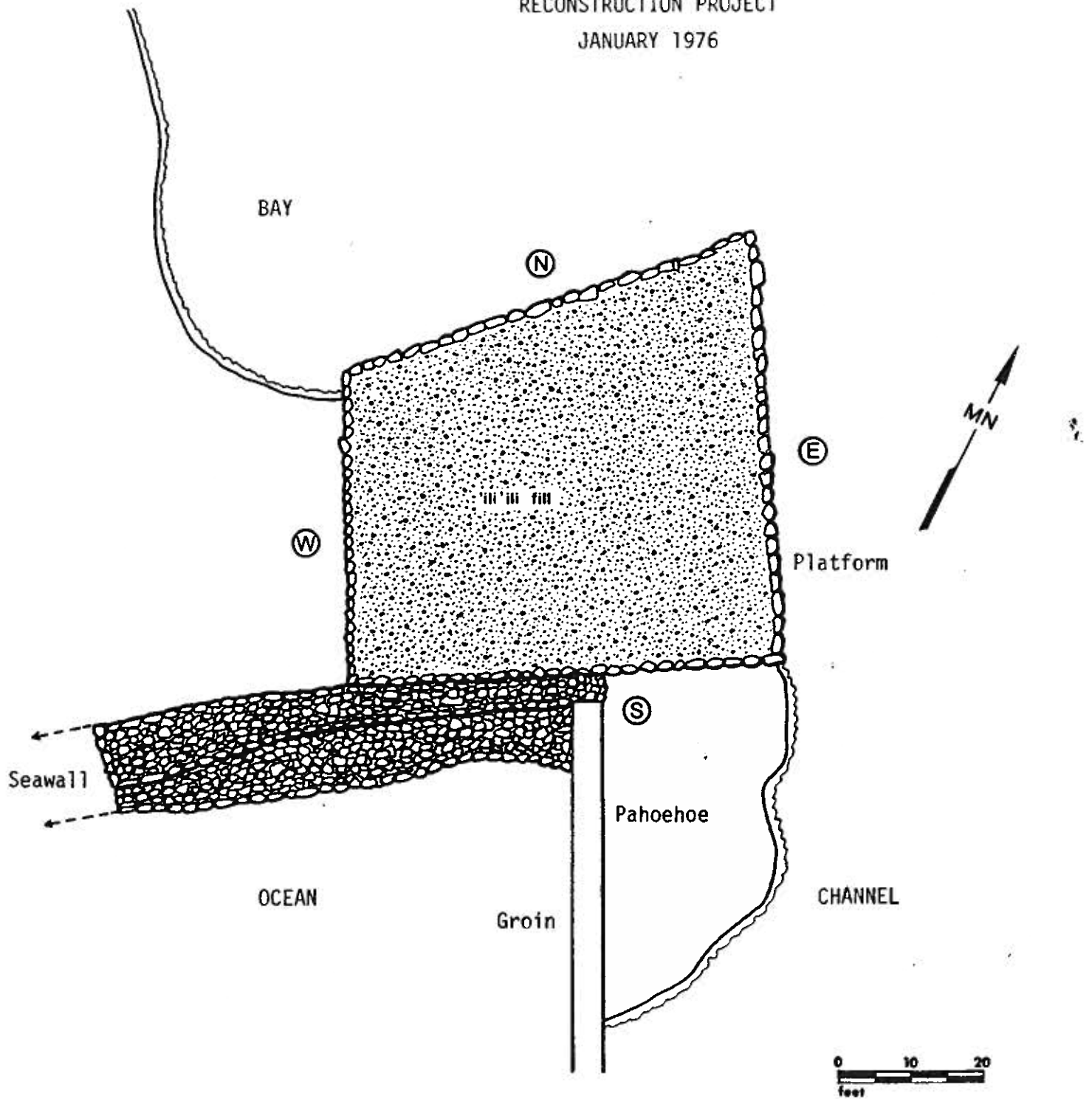
4. All rubble in the vicinity of the North and East walls of the heiau platform has been stacked by backhoe and by hand near the base.

5. Trench B is completely backfilled and the surface levelled.

6. The seawall stones from the groin to behind Hale Nana Mahina'ai were rearranged for protection of the heiau. This wall abuts the groin and extends for 66 ft; it is approximately 6 ft wide.

Dr. Yosihiko Sinoto and archaeologist Tom Dye from Bishop Museum arrived on January 5, 1976 to direct excavation on the heiau platform and to locate Hale Nana Mahina'ai.

AHUENA HEIAU
RECONSTRUCTION PROJECT
JANUARY 1976



PROGRESS REPORT NO. 4

January 5 - January 16, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

Dr. Yosihiko Sinoto, Museum Coordinator, and Mr. Tom Dye, Archaeologist, arrived to direct the excavation of test trenches on all features. The following work was undertaken:

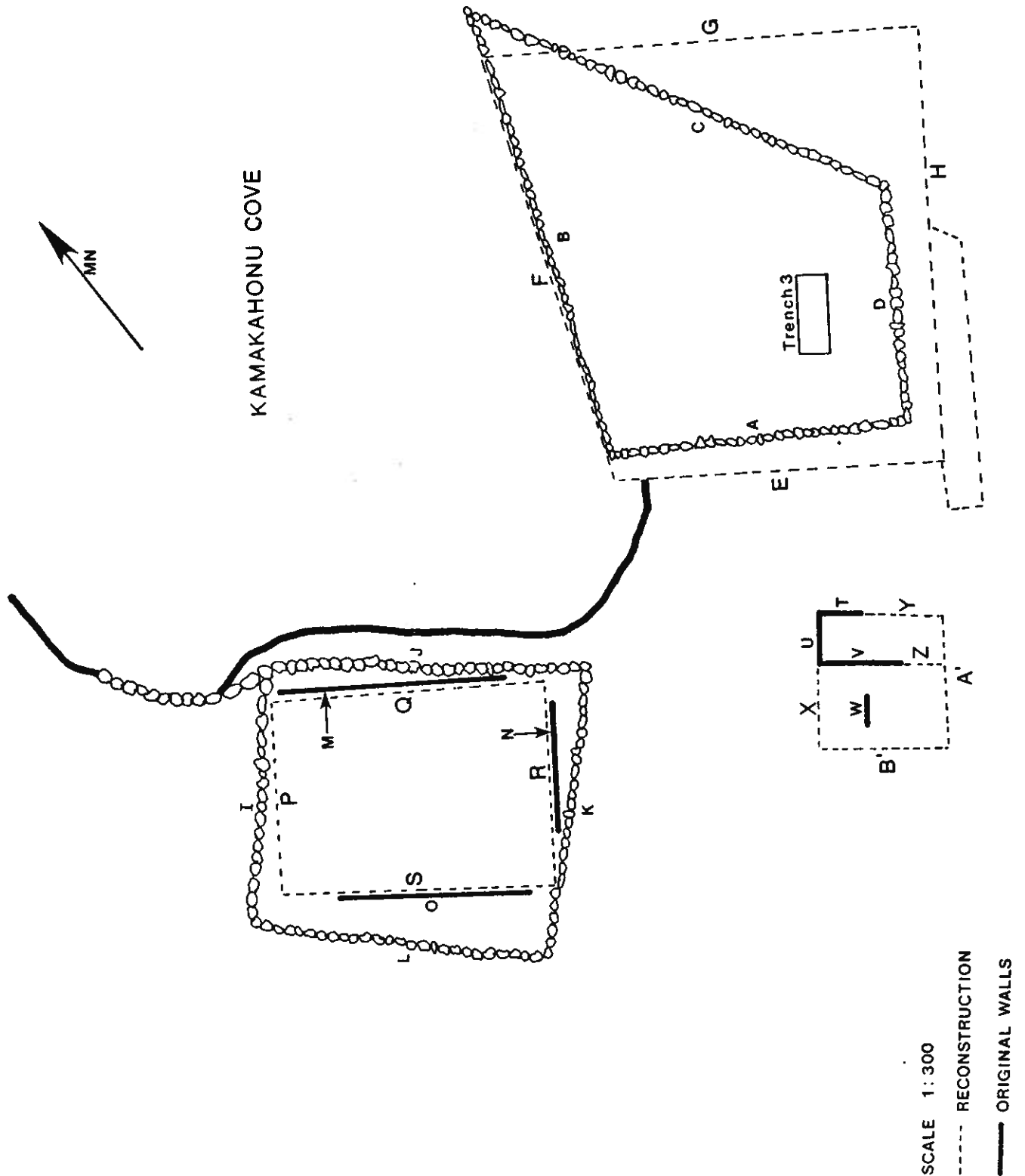
1. Ahuena Heiau Platform: Trench 3, laid out parallel to Wall H, measured 1.5 meters wide, 4 meters long, and 1.45 meters deep. The trench was excavated in three natural layers. A well laid layer of waterworn stone was noted at the bottom. Artifactual remains were historic--glass fragments, metal fragments, and plastic. Trench 3 was recorded and backfilled.

2. Hale Nana Mahina'ai: The small tidal wave on November 29, 1975, revealed a stone pavement, approximately 9 meters West of the heiau platform. The site of the pavement is approximately the site of Hale Nana Mahina'ai shown in Choris' original sketch (Barrère 1975: fig. 3). The crew removed overburden by shovel from an 8 by 8 meter area. Layer I was excavated completely using trowel and brush. Four stone alignments (T, U, V, W) were found.

3. Mortuary Platform: Seven exploratory trenches were dug in the magazine platform. Portions of walls I and K were removed in the process of excavation. Three wall segments (N, M and O) from the original mortuary house platform were uncovered.

4. A subadult skeleton was found in a cyst located in the platform near Wall I. The State Health Department was notified. The remains were recorded and reinterred in the original cyst, and blessed by Elder Joseph Kahananui.

February 1976



PROGRESS REPORT NO. 5

January 19 - January 30, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

Excavations during the previous two weeks determined the alignment and location of the Hale Nana Mahina'ai and the mortuary house platform. In this period, wall foundations were stabilized and the platform was reconstructed.

Reconstruction of Mortuary Platform:

1. All trees removed from the platform by backhoe.
2. Existing base stones of alignments M, N and O were reset.
3. Walls Q, R and S were built on the basestones of alignments N, N and O, and were extended to form right angle corners.
4. The Northeast wall (P) was built to form the platform.
5. The area between wall L and wall S was filled with sand to the level of the platform.
6. The measurements of the reconstructed platform are as follows:

Heights of the corners from the ground:

Corner SR: 66 cm
Corner QR: 112 cm
Corner PQ: 94 cm
Corner PS: 85 cm

Wall lengths:

Wall R: 9.5 meters (31.2 ft)
Wall Q: 11.4 meters (37.4 ft)
Wall S: 11.4 meters
Wall P: 9.5 meters

7. A large pahoe-hoe slab, found in the center of the platform, was reset in original position.
8. The area surrounding the platform was cleared of rubble, except on the sea side.
9. The crew built a wall from the mortuary platform to the hotel sea wall.

Reconstruction of Hale Nana Mahina'ai:

Excavation uncovered four stone alignments, T, U, V and W, and a fairly level area of stones. The following work was undertaken:

1. The crew laid base stones for alignments of X, Y, A' and B'. Stone alignments X and Y are based on the corner of alignments T and U. The overall dimensions of the platform are 12 by 20 ft.
2. Single faced walls were laid on the alignments X, Y, A' and B', and also on alignment Z.
3. The platform was filled to finished height by hand and by backhoe. The finished heights at the corners are:

XY: 37 cm

XB': 72 cm

B'A': 92 cm

A'Y: 32 cm

Average height of wall Z face: 43 cm.

Wall lengths:

X: 5.75 meters (18 ft 9 in.)

Y: 6.1 meters (20 ft 1 in.)

A': 5.75 meters

B': 6.1 meters

4. The crew cleared the surrounding area of rubble.

Collection of Building Materials for Reconstruction of the Superstructure:

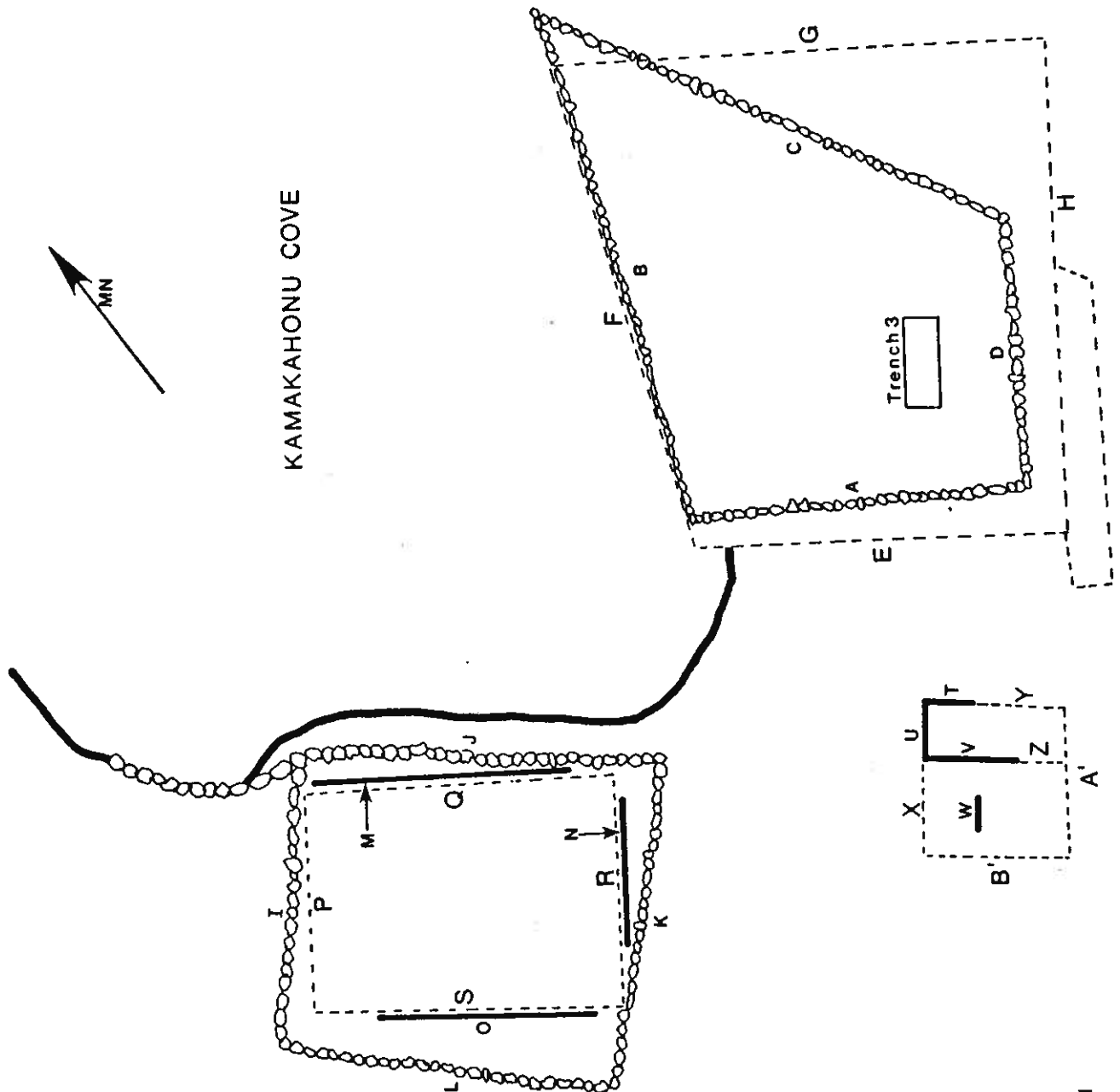
Mr. Sherwood Greenwell of Kealakekua Ranch kindly donated ohia from his ranch land to the Ahuena Reconstruction Project. The major cutting area is on the slopes of Mauna Loa above Kealakekua, at approximately the 4,000 ft elevation. Work consisted of selection, cutting, barking, and loading of trees, and hauling by truck to Ahuena Site.

Collection and drying of ti leaves for thatching began. Mr. Lauren Thurston offered the use of his brackish water ponds adjoining Kamakahonu for keeping of ohia logs until the construction begins, and for soaking of the ti leaves. Mr. Julian Akao tied 15 to 30 leaves in each bundle, soaked them in brackish water, and dried them for thatching. This work will continue until approximately 250,000 ti leaves have been processed.

Department of Anthropology
Bernice P. Bishop Museum

Ahuena Heiau, Hale Nana Mahina'ai
and Mortuary Platform

February 1976



SCALE 1:300

--- RECONSTRUCTION

— ORIGINAL WALLS

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PROGRESS REPORT NO. 6

February 1 to March 17, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

The first two weeks of February were utilized for the collection and preliminary preparation of *ohia* timbers from Kealakekua Ranch for the reconstruction of the components of the *heiau* platform and additional structures.

For the *hale mana*, *hale pahu*, and the *anu'u* tower of the *heiau* platform, and for the gabled *hale* and small guard's *hale* of the Hale Nana Mahina'ai, over 350 pieces of timber were collected. These ranged in diameter from 2 to 12 inches, and up to 24 ft in length. The timber was debarked to avoid dry rot.

In addition, 35 timbers, ranging from 3 to 9 inches in diameter and up to 12 ft in length, were cut for the hotel's *hale pahu*, and 56 timbers up to 8 inches in diameter and 20 ft in length were cut for the *luau* stage.

HALE PAHU

Construction of the hotel's *hale pahu* was begun on February 17. This drum house will be used for the hotel's torch-lighting ceremony, and was our restoration crew's learning vehicle. Twelve working days were used to complete this structure; each crew member participated in each phase of the construction. The reference for traditional notching and lashing of components is Russell A. Apple's *The Use, Construction, and Adaptation of the Hawaiian Thatched House* (National Park Service, U.S. Department of Interior, Washington, D.C., 1971). Unless otherwise stated, all notches and lashings were done according to this source.

The *hale pahu* was constructed on a 10-by-12-ft stone platform, built by Shield-Pacific. The 1-ft-high raised wall on the N, E, and S sides was refurbished by our stone masons. Overall measurements of the completed structure are 6 ft 8 inches by 10 ft and 12 ft high, with a thatched roof and open sides.

Procedures:

1. Eight postholes were dug in the platform to a depth of 2 ft.
2. Six 8-ft and two 9-ft posts, 8 inches in diameter, were notched for wall posts.
3. Post ends were preserved with creosote and linseed oil and covered with tar paper.
4. Posts were set into platform with cement.
5. Two wall plates, 5 inches by 11 ft, were lashed to posts using Sanyo-produced Kurilon 5/32-inch-diameter line. Wall plates were fitted to posts by hand, using chisel and mallet.
6. Cross pieces, 3 inches by 7 ft, were joined to wall posts on gabled ends, and lashed.
7. Eight rafters, 3 inches by 7 ft, were notched and lashed to wall plates.
8. Two ridgepoles, 3 inches by 11 ft, were throttle-lashed to rafters.
9. Two diagonal support beams, 3 inches by 12 ft, were notched and lashed to interior of rafters.
10. Ten stationary purlins, 3 inches by 7 ft, were lashed to rafters.
11. Waiawa (strawberry guava) wood, 1.5 to 2 inches in diameter, was collected and debarked. Twenty horizontal purlins, 11 ft long, and 10 vertical purlins, 6 ft long, were cut for use as thatching purlins, lashed to stationary purlins and rafters with #21 twisted nylon.

For the roof of this structure, fire-retardant prefabricated imported thatch will be used to be consistent with other hotel structures.

LUAU STAGE

This structure, on the hotel grounds outside the restoration area, is a three-walled structure with an extended covered area that will serve as a dressing room. It was constructed on a raised platform (built by Shield-Pacific), using six wall posts (8 inches by 9 ft) and two center posts (8 inches by 16 ft), two wall plates, eight rafters, ridgepoles, and 36 stationary purlins. Notching

and lashing methods were similar to those detailed above; ridgepoles were notched and lashed to center poles using a slight modification of Apple's method. A low wall was constructed to enclose the dressing room area, and support posts were attached to the rafter framework. A stairway and doorway were constructed on the S exposure of the stage for performers. The completed structure measures 10 by 12 ft and is 14 ft high.

HALE MANA

This structure, on the *heiau* platform, is centered on wall E (see map, Progress Report No. 5). Because of the massiveness and close positioning of the 18 posts used for this structure, a c. 3-ft-wide by 4-ft-deep trench was dug, and individual postholes were prepared within the trench. Stones were used in the bottom and sides of the postholes for bracing. Six wall posts, 12 inches by 12 ft, and twelve wall posts, 8 inches by 12 ft, were notched and moved onto the platform surface with a truck and crane. Post ends were preserved with creosote and linseed oil, covered with tar paper, and sealed with plastic asphalt. Timber rails and rollers were used to position the posts in the trench; posts were set with stone in postholes. Two ridgepoles were joined for a length of 29 ft, fitted, and lashed. The finished structure will measure 15 by 28 ft and over 8 ft high.

HALE NANA MAHINA'AI

Gabled *hale*

This structure will be a roofed and walled *hale* on top of the stepped platform. During this period, postholes were prepared and ten notched wall posts were set and braced with stones. Two wall plates were lashed to wall posts.

Guard's house

A 3-ft-by-4-ft "A-frame" guard's house, 5 ft high, was constructed on the northwest half of the lower step of the platform. Three rafters, 3 inches by 6 ft, were lashed to two throttle-lashed ridgepoles, 3 inches by 4 ft.

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PROGRESS REPORT NO. 7

March 18 to April 2, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop MuseumHEIAU PLATFORM

Hale mana. The crew constructed a temporary scaffold, 12 ft high, in the interior of the 15-by-28-ft area, surrounded on two sides by the wall posts and wall plates. The scaffold was used for lifting heavy members into place and also will be used for thatching.

Center posts were raised into position, extending 17 ft from the platform surface to the gullet. The ridgepole was fitted between the center posts and arched by means of a support post. Block and tackle were used to raise these members.

Eighteen rafters were notched, fitted, and lashed into position on the wall plate. When the second ridgepole is placed in position the actual height will increase by at least 1 ft.

Hale pahu. This A-frame structure, 10 by 8.5 ft and 13 ft high, with its longitudinal axis running *mauka-makai*, was completed 2 ft west of the *hale mana*, 11.5 ft east of Wall E. The north wall is aligned with the center of the *hale mana*.

Six rafters, two ridgepoles, two diagonal support beams, four gable supports, and 38 stationary purlins were notched and lashed into position.

HALE NANA MAHINA'AI

Gabled hale. Using the same techniques of lashing and notching described in Progress Report No. 6, the center posts, ridgepoles, diagonal roof supports, and 32 stationary purlins were placed in position. Door posts were notched and placed in the entrance. The completed framework measures 10 by 18 ft by 13 ft high, with a 5-ft-high entrance.

Inside the structure the crew built a temporary scaffold, which will be removed when thatching is completed.

Guard's house. All stationary purlins and ridgepoles are lashed into position on this structure, which measures 7 by 5 ft by 6.5 ft high. Two wraps were used due to the small diameter (1 to 2 in.) of the purlins.

In the *makai* area, the rest of the lower step of the Hale Nana Mahina'ai platform has been reset with smooth paving stones.

PROGRESS REPORT NO. 8

April 5 to 19, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA NAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAIIby
Catherine VernonAssistant Archaeologist and Field Recorder
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During this two-week period, work continued on the structures, using the techniques described in the previous reports. Much effort was expended by the crew to complete the frameworks of the *heiau* platform structures by April 9, the day that the King Kamehameha Hotel hosted the general meeting of Island Holiday stockholders.

The crew also erected three signposts in the reconstruction area. The signs were designed by David Roy and Herb Kane, and describe the *heiau* platform, the Hale Nana Mahina'ai, and the mortuary platform. The reconstruction area is already being visited by many people.

HEIAU PLATFORM

Hale mana. The second ridgepole was lashed to the first, using 14 throttle lashes. All rafters, lashed with "figure 8" lashes, were trimmed. Postholes were prepared, and four 12-ft endposts, 7 to 8 in. in diameter, were notched, preserved, erected, and lashed into position. Each endpost is 3.5 ft from the center post of each end wall.

Four diagonal bracing members, 7.5 ft long and 3 in. in diameter, were cut and lashed into position. Stationary purlins, 2 in. in diameter, were lashed into position on the walls at 16-in. intervals. Six beams or rafter supports, 7 ft in length, were notched and lashed into place, extending from rafter to rafter at a height of 14 ft.

All wall posts, center posts, ridgepoles, diagonal beams, and stationary purlins have been lashed into position. The platform surface was cleaned.

Anu'u tower. Postholes were prepared for the 16-ft-high tower, located 7 ft from Wall E and 8 ft from Wall B. The four vertical posts, 5 in. in diameter, were erected. Three horizontal, notched-and-lashed frameworks, or "floors," were completed. The center framework, 6 ft above the platform surface, measures 4 by 5 ft; the others measure 3 by 5 ft. All vertical and horizontal components are fixed in place.

THATCHING

From April 12 to 14, half of the crew collected material for thatching purlins--*waiawi*, 1 to 2 in. in diameter and 10 to 12 ft long. This material was donated by Mr. and Mrs. Manuel Freitas of Kona. Barking began on Monday, April 19.

PROGRESS REPORT NO. 9

April 19 to May 3, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder
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Bernice P. Bishop Museum

AHUENA HEIAU--THATCHING OF STRUCTURES

Materials Collection and Preparation

The crew spent one day in Mountain View, collecting longer, straighter *waiawi* for thatching purlins for the *hale mana*. Four days were used to bark approximately 1,000 lengths for use as thatching purlins for the *heiau* platform structures.

Hale Mana

Sixteen vertical thatching purlins were lashed on the front and back walls and roof of the *hale mana*, using #21 twisted nylon and techniques described by Apple.* During this period the crew lashed 200 horizontal purlins into position at two-finger intervals. This distance results in three thatching purlins between each two stationary purlins.

The center support post for the ridgepole has been removed.

Hale Pahu

For this structure we were able to use the shorter purlins that had already been cut and barked. Using the same techniques described above, the crew lashed and trimmed all vertical and horizontal purlins. One hundred twenty-five pieces of *waiawi* were needed to complete the thatching framework on the *hale pahu*.

* Russell A. Apple. *The Use, Construction, and Adaptation of the Hawaiian Thatched House*. National Park Service, U.S. Department of Interior, Washington, D.C. - 1971.

PROGRESS REPORT NO. 10

May 4 to May 29, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop MuseumHeiau Platform

A smooth, stone-paved area forming a courtyard on the *heiau* platform was completed. It extends to the proposed fenceline.

The remainder of the platform, including the interiors of the structures, has been levelled with roughly laid stone.

Thirty-one postholes, approximately 2 ft deep, were dug for fenceposts. Fenceposts are 6 to 8 inches in diameter and were erected at 5-ft intervals to enclose the *heiau* structures. Posts will be cut to a finished height of 3 ft.

Thatching

All thatching purlins, both vertical and horizontal, have been attached to all structures.

A total of 1,043 purlins was used: 433 for the *hale mana*, 107 for the *anu'u* tower, 125 for the *hale pahu*, 218 for the Hale Nana Mahina'ai, and 160 for the *luau* stage.

Materials Collection

The entire crew returned to Mr. Greenwell's Kealakekua Ranch to cut 'ōhi'a timbers for the *heiau* fence. In two days, 170 pieces of 'ōhi'a

ranging from 3 to 4 inches in diameter and from 10 to 14 ft in length, were cut, loaded, and delivered to the Ahuena site. Ten 12-ft long posts, 8 inches in diameter, were also cut.

Barking of the 'ōhi'a began on May 29.

PROJECT 154

PROGRESS REPORT NO. 11

June 3 - June 28, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU, HALE NANA MAHINA'AI, AND THE MORTUARY PLATFORM
AT KAMAKAHIONU, NORTH KONA, ISLAND OF HAWAII

by
Catherine Vernon
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Heiau Platform

A total of 620 'ōhi'a fence posts and 28 cross pieces, 10 ft long, was cut. Posts and cross pieces were tied into position, except for a 15-ft section on the west line, left for access. A shallow trench was dug along the fence line for placement of posts. Kuralon line, dyed using fresh 'ōhi'a bark boiled in salt and fresh water, was used for the lashing. The dyed line is the same color as sun-dried 'ōhi'a.

The firepit in the interior of the Hale Mana was completed. It is centrally located and constructed of waterworn stones. It is approximately 2 ft by 2 ft, and 1 ft deep.

Crushed aa was spread in the interior of the Hale Mana and on the platform outside of the fence. Surface leveling on the heiau has been completed.

Hale Nana Mahina'ai

To insure an arched ridgepole on the gabled house, a jointed 'ōhi'a pole was lashed to the top ridgepole, adding 3 in. to the height of the roof at its center. A spreader is in position between the two poles. The interior of the gabled house was leveled with crushed aa.

Mortuary Platform

A pathway was reconstructed running from Wall Q to a large pūhoehoe slab, parallel to Walls P and N. It is 16 ft 6 in. long, 3 ft 4 in. wide, and 8 in. deep. A large stone was laid on the sand at the base of the pathway on Wall Q, forming a step.

Crushed aa was spread on the platform surface to complete its leveling.

Gordon MacKenzie donated a large breadfruit (*ulu*) tree, which is presently being cut and planed to make door frames for the Hale Mana and the gabled Hale Nana Mahina'ai.

Luau Stage

Thatching has been lashed to the roof of the stage and the crew has begun work on the bonneting. Bonneting for rain-proofing is made from banana sheath, 6 to 8 in. in width and 2 ft 6 in. long, avoiding splits. The methods used for attachment are the same as those used on Hale-o-Keawe, as described by Russell Apple.

Progress Report No. 12

June 29 - July 19, 1976

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF
AHUENA HEIAU PLATFORM, HALE NANA MAHINA'AI, AND
THE MORTUARY PLATFORM AT KAMAKAHONU,
SOUTH KONA, ISLAND OF HAWAII

by

Catherine Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HEIAU PLATFORM

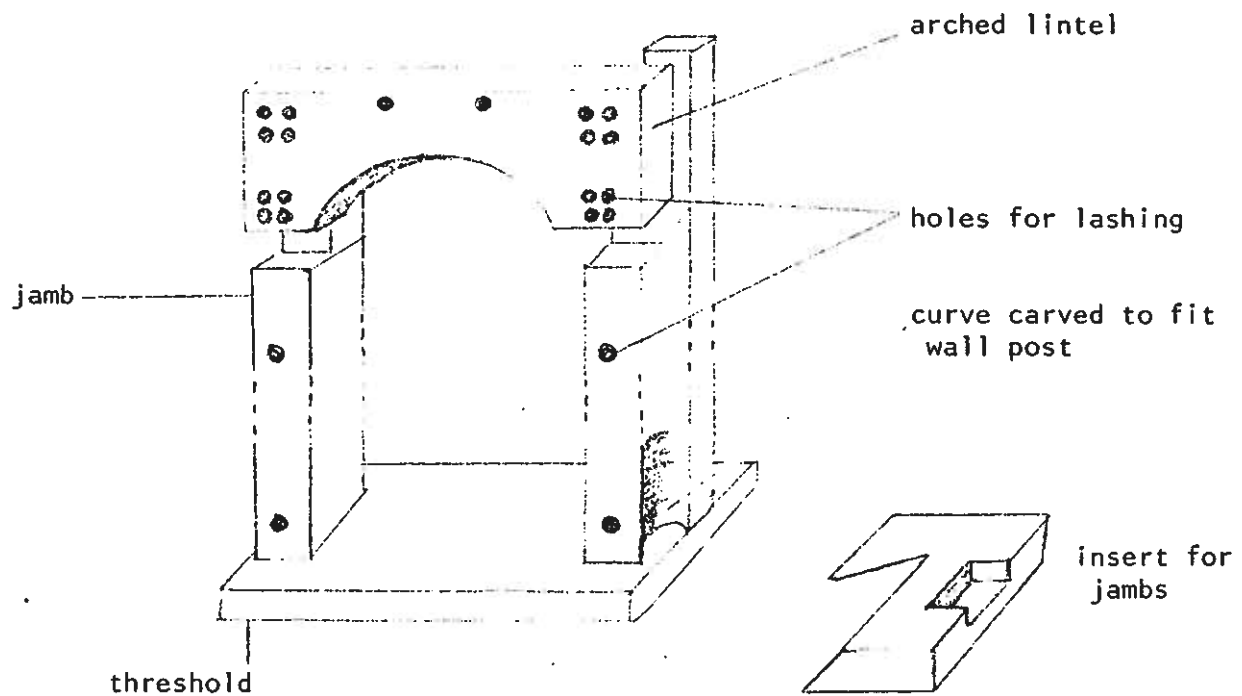
During the last three weeks the door frames for the *hale mana* and *hale pahu* were fashioned and installed. The unseasoned breadfruit ('ulu) tree wood was cut and rough-planed into planks of varying thickness with power tools. These planks were used as frame components. The pieces were fitted by adz and chisel, lashed into position using holes drilled for that purpose, and preserved against insect damage. Each door frame consists of four pieces: the threshold, two jambs, and an arched lintel. The arched lintel for the *hale pahu* had to be laminated, and all pieces requiring repair due to unseen rot were patched.

Hale mana: Overall height of frame is 6 ft. The entry is 2 ft 2½ in. wide and 5 ft high at the center of the arch.

Hale pahu: Overall height of frame is 3 ft 11 in. The entry is 2 ft 2½ in. wide by 3 ft 6¾ in. high.

HALE NANA MAHINA'AI

The same techniques were used on the gabled house door frame as are described above. The overall height of the door frame is 5 ft 1 in., and it is lashed to the wall plate on top of the lintel. The entry is 2 ft ½ in. wide by 4 ft 5¾ in. high at the center of the arch.



HOTEL STRUCTURES

Bonneting was completed on the *luau* stage and on the *hale pahu*. Banana sheath, scraped clean with an *opihi*-shell scraper, was attached, using the technique described for Hale-o-Keawe in *The Hawaiian Thatched House* (Apple 1971).

PROJECT 154

Progress Report No. 13

August 3 - September 3, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF THE
AHUENA HEIAU PLATFORM, HALE NANA MAHINA'AI,
AND THE MORTUARY PLATFORM AT KAMAKAHONU, SOUTH
KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

All structures have been protected from insect damage by the application of Penta V.

Thatching is underway on the Hale Nana Mahina'ai gabled house. The structures on this platform require sugarcane thatch. Dry sugarcane leaves are collected in Honokaa, and tied in bundles of approximately 50 leaves each. One 3/4-ton truckload is collected at a time. Each square foot of the structure requires approximately 40 leaves.

The leaves are soaked in brackish water in order to preserve them and make them pliable. As an experiment, bundles were soaked in a 55-gallon drum; presently, however, they are soaked in Mr. L. Thurston's brackish-water pond, adjacent to the hotel grounds.

Thatching begins on the lowest horizontal purlins. Each purlin is covered consecutively to hold the lower thatch in place. Leaves are applied wet. Each leaf must be opened by hand along its midrib in order to secure it to its neighbor. A scaffold was erected on the exterior of the gabled house so workers could reach the roof.

Leaves are folded over each horizontal purlin with the broad halves on the interior forming a smooth, decorative pattern. Vertical purlins are camouflaged by wrapping each leaf horizontally, folding its broad end along the midrib to avoid tearing it where it wraps around a purlin,

and crossing and securing its ends under leaves laid vertically on the horizontal purlins.

Thatching of the south, north, and west walls of the gabled house has been completed, and the west half of the roof is covered. The last load of sugarcane has been collected and the platform structure will soon be finished.

PROJECT 154

Progress Report No. 14

September 4 - 20, 1976

Paul Rosendahl
Bishop Museum

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF
THE AHUENA HEIAU PLATFORM, HALE NANA MAHINA'AI,
AND THE MORTUARY PLATFORM AT KAMAKAIONU, NORTH
KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

The reconstruction crew has completed thatching of the two structures on the Hale Nana Mahina'ai Platform. The gabled house and the guards' shelter both require bonneting with banana sheath and more sugarcane thatch for waterproofing. Exterior scaffolds, and lines for securing the top layers of thatch, remain in position.

On September 4, the crew began thatching of the remaining walls of the *luau* stage with *lauhala* leaves. After the already-prepared bundles were used, it was necessary to collect, dethorn, and soak additional material.

When the stage is completed, bonneting will begin on the Hale Nana Mahina'ai structures.

PROJECT 154

Paul Rosendahl
Bishop Museum

Progress Report No. 15
September 30 - October 19, 1976

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF THE
AHUENA HEIAU PLATFORM, HALE NANA MAHINA'AI,
AND THE MORTUARY PLATFORM AT KAMAKAHONU, NORTH
KONA, ISLAND OF HAWAII

by
Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

LUAU STAGE

Lauhala has been collected, processed, and applied to the *luau* stage. The three walls and the interior of the stage roof have been covered.

Processing of the *lauhala* consists of dethorning, soaking, cleaning, and pressing. The roller used for pressing is a hand-crank wringer similar to that on an old-fashioned washing machine.

The *lauhala* is woven between the purlins while still wet. When it dries, the thatch is permanently set. The exposed edges and vertical purlins were covered by split and woven (or braided) *lauhala*.

When comparing the two thatched structures, Hale Nana Mahina'ai and the *luau* stage, one can see that the sugarcane thatch forms a cooler interior with more air circulation. The *lauhala* forms a smooth, silky interior, but a warmer one.

Progress Report No. 16
October 20 - November 4, 1976

Paul Rosendahl
Bishop Museum

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHIONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

LUAU STAGE

Thatching was completed on the *luau* stage. The Pressing Room door was made in the same manner as a *ti*-leaf raincoat.

HALE NANA MAHINA'AI

Banana stalk was collected, scraped, cut into approximate 3-ft. lengths, and applied to the top layer of sugarcane leaves. For effective waterproofing, the sheathing was lapped four or five layers deep.

To form the bonneting thatch, two more purlins were added parallel to and slightly lower than the ridgepole. These purlins were covered with sugarcane leaves, locking the banana sheathing into place.

Small bundles of wet sugarcane leaves were inserted on alternate sides of the ridgepole between the newly-thatched purlins, and sewn onto the bonneting purlins with no. 23 nylon line. Disguising the alternation of the bundles requires careful craftsmanship, due to the fragility of the sugarcane leaves and closeness of the bundles. Because the bonneting is sewn on, there is no need for exterior purlins.

HALE PAHU--Ahuena Platform

The skeleton of the Hale Pahu was prepared for thatching. (Purlins which had fallen out of position were straightened.) Penta V was applied liberally to protect the *'ohi'a* and *waiawi* from insects.

The crew began processing lauhala for this structure, using the same steps described in previous reports.

Progress Report No. 17

November 5-19, 1976

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE NANA MAHINA'AI

The exterior scaffolding was removed and the sugarcane thatch was repaired under its members.

HALE PAHU

Lauhala-leaf processing continues for the thatch on the *hale pahu*. The rolls of prepared *lauhala* must be stored carefully, kept moist, and used before the leaves become too dry, or the soaking process has to be repeated. The initial soaking requires twenty-four hours, for best results. The leaves will curl as they dry if the fibers are soaked too long or not long enough.

Thatching began on the *hale pahu* on November 8. The light-colored areas covering the front, back, and three vertical, 2-ft-wide strips on each side, were completed on November 19, leaving two vertical strips of dark-colored *lauhala*, 2 ft wide, on each side of the structure.

Leaves at least 3 ft long are needed, as each leaf is doubled over five purlins. To form the figure-8 pattern used on the *hale pahu*, the leaf is passed behind the bottom purlin, in front of the second and third, inside the fourth, around the top, inside the fourth and outside the third and second. The end is tucked under the first purlin. The leaves are applied wet, and are overlapped to hold one another in place vertically and horizontally. Tucking the ends of all leaves under the purlins results in a smooth surface, enhancing the material's shiny appearance.

All vertical purlins, except those in the designated "dark areas," have been covered with split and woven *lauhala*. Mr. David Roy began experiments to extract a red dye from *kukui* bark. The dark areas on the *hale pahu* will be covered with dyed *lauhala* leaves to simulate red *lauhala*, which is no longer available in quantity in this area.

Progress Report No. 18
November 20 - December 3, 1976

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE PAHU--AHUENA PLATFORM

The *kukui* dye procedure has been completed and all areas requiring the dark-colored *lauhala* have been covered.

Dyeing Process

Kukui-tree bark was collected from the lower two feet of tree trunk. Care was taken to avoid girdling the trees used. The bark was shredded; 40 gallons of carrot-colored fiber were produced and used in the extraction process. Each of ten 5-gallon tins was filled half-full with the *kukui* fiber, one handful of Hawaiian salt, and $\frac{1}{2}$ pint of vinegar. The tins were then filled to the brim with water. The mixture was boiled from $1\frac{1}{2}$ to 2 hours, until the desired color of dye was obtained. The dye solution was then strained through burlap. Total yield was 75 gallons of dye.

Prepared *lauhala* rolls were soaked overnight in the dye, in a 55-gallon drum. Then they were boiled over a low fire in galvanized tubs until an even coloring was obtained. This dyed *lauhala* contrasts nicely with the natural-colored fibers. Areas completed before the Thanksgiving holiday have begun to fade evenly, and the desired effect has been achieved.

In order to complete the *hale pahu*, more *lauhala* was collected, processed, dyed, and applied. Mr. Roy has fortunately located two red *lauhala* trees, which yield a leaf of a color which will be useful for future maintenance of the structure.

Progress Report No. 19
December 3 - January 3, 1977

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE MANA

Approximately 3,450 bundles of *ti* leaves have been applied to the *Hale Mana*. These thatch bundles cover the east and south walls and one-half of the west wall. The preparation includes gathering the dry *ti* leaves, pre-sorting according to quality, gathering into large bundles of approximately 50 leaves, soaking bundles in a mixture of fresh and salt water for at least 24 hours, and finally, making each thatch bundle.

Each thatch bundle consists of sixteen leaves--ten leaves to form the thatch itself, two leaves of good quality to tie the bundle to the purlin, three leaves for stability and interior decoration, and one to tie the bundle. The leaves must be wet and pliable and the bundles must be applied before they become too dry. Each workday consists of making bundles and then applying them in the afternoon, using the same techniques described by Russel Apple for use on the *Hale o Keawe*. We are using a spacing of two inches or "two fingers" to maintain the interior design and to avoid using an unnecessary number of leaves.

The leaves have a rich, deep color and form a thick and beautifully textured thatch. The interior design is quite striking and decorative juxtaposed with the smooth silver 'ōhi'a posts. It should be a most beautiful building when completed.

HALE NANA MAHINA'AI

The door securing the entrance to the large gabled structure has been placed in position. Hopefully this door will prevent vandalism and improper use of the sugarcane-thatch structure. It is made of oiled heartwood of the 'ōhi'a. It has two handles for removal, and the smooth texture of the deep-red wood is nicely set off by the surrounding thatch. For entrance, the door must be removed; it is not on hinges for reasons of security.

RECONSTRUCTION AREA

Other projects completed during December include the placement of the last three sections of the fence enclosing the structures on the *heiau* platform, and the construction of a *halau*. This building shades the area for *ti*-leaf bundling and will also serve as a shelter for the image carvers. It is made of lashed 'ōhi'a posts with coconut leaves for roofing and side walls. It is located on the west side of the Mortuary Platform and will be removed when it is no longer needed.

Progress Report No. 20
January 4 - February 4, 1977

ARCHAEOLOGICAL EXCAVATIONS AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE MANA

The major effort for the past month at Kamakahonu has been towards the completion of the *hale mana* thatch. All four walls have been finished to the roof, including the gabled ends. Two small, square openings, 12 by 18 inches, have been left near the peak of the gabled ends for ventilation and air circulation. Except for the top two purlins, the south side of the roof is complete, to the height of the fern cover on the ridge, which will be applied as part of the bonneting.

The crew lays on an average of 500 bundles or 8,000 leaves per day. Due to difficulties encountered with suppliers, the crew collects its own ti leaves. One or two days per week has been devoted to collection, depending upon available supplies. We are using the same techniques as previously described for making and applying bundles of ti leaves.

Progress Report No. 21
February 5 - February 18, 1977

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon
Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE MANA

The crew completed thatching the north side of the roof. A total of 72,496 ti leaves were collected and made into bundles, as previously described. The thatch on both sides of the roof extends up to the fifth purlin below the ridgepole, leaving a space of approximately 25 inches. When the bonneting is applied to this space the structure will be complete.

The bonneting procedure insures a weatherproof structure. Banana stalks will be collected and the sheath will be scraped and applied 6 to 8 layers deep over the ridge as previously described for the Hale Nana Mahina'ai. The sheathing will be covered and held in place by fern ('ama'u) trim as depicted by Choris in 1816.

HEIAU PLATFORM

The *anu'u* remains unfinished until the tapa cloth is applied. Various small adjustments remain, such as tightening any loose lashings. The temporary *halau* in the reconstruction area is slated for removal when no longer required. When the structures have been completed the images must be carved to conform to Choris' original sketch.

Progress Report No. 22
February 20 - March 4, 1977

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

HALE MANA

The bonneting procedure has begun on the *hale mana*. All lashings of timbers on the ridge section have been checked. The ridgepoles holding the rafters in place have been tightened by relashing and adding throttle lashes. There are now 17 throttle positions on the ridgepoles.

Sixty banana trunks have been collected, each yielding approximately seven sheaths. Each sheath was scraped using an *'opihi* shell, as previously described for the Hale Nana Mahina'ai, the edges trimmed, and the sheath cut into 6-ft lengths. The cleaned sheaths were laid over the ridge, six to eight layers thick to insure its weatherability. The sheaths were held in place temporarily by line, ti leaves, and soaked burlap bags for proper drying until the *'ama'u* fern covering can be applied. The bonneting, one-third complete on the ridge, has already proven quite waterproof.

The traditional decorative fern trim for the *hale mana* will cover the entire ridge, including the top 3 ft on each side, the gable edges, and the wall corners of the building. *'Ohi'a* purlins, 2 inches in diameter, were collected and debarked. These purlins--five on each side of the ridge, one on top of the ridge, and two along the edges of the gable and wall corners--are spaced using the "four finger" measure and will be the foundation for the fern trim. The ridge purlins are attached to the outside edge of the ridge and extend toward the center, where the banana sheathing was perforated in order to attach the center vertical support purlin.

The reconstruction area is already often visited by hotel guests. In order to keep the area tidy all materials not needed for ongoing work are promptly removed. The small soaking pond on the northwest corner of the *heiau* platform has been removed, leaving a stacked-stone footing for the platform.

Progress Report No. 23
March 5 - March 17, 1977

ARCHAEOLOGICAL EXCAVATION AND RECONSTRUCTION OF AHUENA
HEIAU PLATFORM, HALE NANA MAHINA'AI, AND MORTUARY PLATFORM
AT KAMAKAHONU, NORTH KONA, ISLAND OF HAWAII

by

Catherine S. Vernon

Assistant Archaeologist and Field Recorder
Department of Anthropology
Bernice P. Bishop Museum

The reconstruction area at Kamakahonu has been completed. The fern trim on the *hale mana* is completely attached and the structure has been sprayed with fire retardant. The interior and exterior scaffolding have been removed and the platform has been cleaned.

Preparing the 'anu'u for tapa application was quite painstaking. All places that might cause tearing in the wind were adjusted, and surfaces were improved for better contact between glue and tapa. The tapa was coated with a silicone sealant and cut to the tower dimensions. The four resulting pieces were laid onto the tower with contact cement, and the entire covering was painted with a solution of white glue to improve its weatherability. The finished surface has a sculptured appearance.

APPENDIX B—Declaration of Restrictive Covenants

W
R-542

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

DEC 02, 1993 09:15 AM

Doc No(s) 93-199813

/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

LAND COURT SYSTEM

After Recordation Return by Mail (✓)

D/4

DLNR - Historic Pres. 587-0047

R/S

TITLE OF DOCUMENT:

ASSIGNMENT OF DECLARATION OF RESTRICTIVE COVENANTS

PARTIES TO DOCUMENT:

Assignor: ISLAND HOLIDAYS, LTD.

Assignee: DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII

PROPERTY DESCRIPTION:

Lot 1-C, shown on Map 3, Ld. Ct.
App. No. 420, situate at
Lanikai 1 and 2, No. Kona
Island and County of Hawaii

LIBER/PAGE:

DOCUMENT NO.:
TRANSFER CERTIFICATE OF
TITLE NO(S): 364,608

ASSIGNMENT OF DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That ISLAND HOLIDAYS, LTD., a Hawaii corporation, whose principal place of business and post office address is 700 Bishop Street, 20th Floor, Honolulu, Hawaii 96813 ("Assignor"), the Grantee under that certain Declaration of Restrictive Covenants ("Restrictive Covenants") dated January 10, 1991, made by HKK,

Inc., a Hawaii corporation, as Covenantor, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 1794200 and noted on Transfer Certificate of Title No. 364,608, for and in consideration of the covenants contained herein made by the STATE OF HAWAII, by and through its Board of Land and Natural Resources and State Historic Preservation Division, whose principal place of business is 33 South King Street, 6th Floor, Honolulu, Hawaii 96813 ("Assignee"), does hereby assign, transfer and convey unto Assignee, all of Assignor's rights, duties and obligations as Grantee, in, to and under the Restrictive Covenants covering the parcel of real property described in Exhibit "A" attached hereto and made a part hereof.

AND Assignee, in consideration of the foregoing assignment hereby covenants and agrees to and with Assignor and HKK, Inc., as Covenantor under the Restrictive Covenants, to faithfully observe and perform all of the duties, obligations, provisions, covenants and conditions of Assignor as Grantee under said Restrictive Covenants, including all preservation and conservation purposes noted therein.

HKK, Inc., the Covenantor named in the Restrictive Covenants, hereby consents to the foregoing assignment on the condition that nothing herein shall be construed as being a waiver of any of the terms covenants and conditions of said Restrictive Covenants.

IN WITNESS WHEREOF, the Assignor, the Assignee and said HKK, Inc. have executed these presents this _____ day of _____, 1991.

Approved as to Form:

By

fg

ISLAND HOLIDAYS, LTD.

By

[Signature]

its VICE PRESIDENT

By

its

Assignor

STATE OF HAWAII

Approved as to Legality and Form:

Office of the Attorney General

By

[Signature]

its

Approved:

State Historic Preservation
Division

By

[Signature]

its

Board of Land and Natural
Resources

By

[Signature]

its

Assignee

HKK, INC.

By

[Signature]
its Treasurer/Secretary

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS.

On this 3rd day of August, 1993, before me appeared P. ERIC HOHMANN and _____, to me personally known, who, being by me duly sworn, did say that they are the VICE PRESIDENT and _____, respectively, of ISLAND HOLIDAYS, LTD., a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said officers acknowledged that they executed said instrument as the free act and deed of said corporation.

Sandra H. Ashida
Notary Public, State of Hawaii
My commission expires: 2/14/94.

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS.

On this ____ day of _____, 19__, before me appeared _____ and _____, to me personally known, who, being by me duly sworn, did say that they are the _____ and _____, respectively, of _____, of DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, by STATE HISTORIC PRESERVATION DIVISION, and that said instrument was signed on behalf of said DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, by STATE HISTORIC PRESERVATION DIVISION, and said _____ and _____ acknowledged that they executed said instrument as the free act and deed of said corporation.

Notary Public, State of Hawaii
My commission expires: _____.

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this 18th day of May, 1993, before me appeared Darryl H. Lee to me personally known, who, being by me duly sworn, did say that he is the Treasurer/Secretary of HKK, INC., a Hawaiian corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said officer acknowledged that he executed said instrument as the free act and deed of said corporation.

Lydia V. Dayrit
Lydia V. Dayrit

Notary Public, State of Hawaii

My commission expires: MAY 30 1995

L.S

We hereby certify that this is a true copy of the original
filed as Land Court Document No. 1794200
and / or recorded in the Bureau of Conveyances as
Document No. _____ on
January 10, 1991 at 8:01 o'clock am.

TITLE GUARANTY OF HAWAII, INCORPORATED

By [Signature]

LAND COURT SYSTEM	REGULAR SYSTEM
After Recordation Return by Mail (X)	Pickup () To:
BANK OF HAWAII	TGOH 84337
INCOME PROPERTY LOAN DEPT.	TGES 911010045
P.O. BOX 2900	GLEN Y AJIMINE
HONOLULU, HAWAII 96846	
TITLE OF DOCUMENT:	

DECLARATION OF RESTRICTIVE COVENANTS

PARTIES TO DOCUMENT:

Covenantor: HKK, Inc.
Grantee: Island Holidays, Ltd.

PROPERTY DESCRIPTION:

Lot 1-C, shown on Map 3, Ld. Ct.
App. No. 420, situate at
Lanikai 1 and 2, No. Kona,
Island and County of Hawaii

LIBER/PAGE:

DOCUMENT NO.:
TRANSFER CERTIFICATE OF
TITLE NO(S):

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION OF RESTRICTIVE COVENANTS,
("Restrictive Covenants") made this 10th day of January,
1991, by HKK, INC., a Hawaii corporation, whose principal place

of business and mailing address is 2490 Kalakaua Avenue, Honolulu, Hawaii 96815, hereinafter called the "Covenantor,"

WHEREAS, the Covenantor is owner in fee simple of certain real property in the Island, County and State of Hawaii, which property is hereinafter sometimes referred to as the Kamakahonu National Historic Landmark, (hereinafter "the Premises"), said Premises including at least three (3) structure(s) commonly known as the reconstructed 'Ahu'ena Heia, hale nana mahina'ai, and the foundations of the hale poki (hereinafter "the Buildings"), and is more particularly described in Exhibit A attached hereto and incorporated herein by reference;

WHEREAS, the Kamakahonu National Historic Landmark was listed in the National Register of Historic Places on September 12, 1985 and is a certified historic structure;

WHEREAS, the Covenantor and ISLAND HOLIDAYS, LTD., a Hawaii corporation, hereinafter called the "Grantee", recognize the historical, cultural, and aesthetic value and significance of the Premises, and have the common purpose of conserving and preserving the aforesaid value and significance of the Premises;

WHEREAS, the placing of restrictive covenants on the real property referred to herein will assist in preserving and maintaining the Premises and its architectural, historical, and cultural features;

WHEREAS, the said restrictive covenants will assist in preserving and maintaining the aforesaid value and significance of the Premises;

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Covenantor does hereby covenant and agree to and with the Grantee, that Covenantor's interest in the Premises is hereby subjected to all those certain covenants and restrictions set forth herein and such covenants and restrictions shall be in favor of and enforceable by the Grantee, and shall be binding upon the Covenantor and its successors in interest and assigns in perpetuity, all as more fully set forth herein.

1. Description of Premises.

(a) In order to make more certain the full extent of Covenantor's obligations and the restrictions on the Premises (including the Buildings), and in order to document the nature of the Buildings as of the date hereof, attached hereto as Exhibit B

and incorporated herein by this reference are a set of photographs depicting the Buildings and the surrounding property. It is stipulated by and between Covenantor and Grantee that the nature of the Buildings as shown in Exhibit B is deemed to be the nature of the Buildings as of the date hereof and as of the date this instrument is first recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, hereinafter called the "Land Court."

(b) The Premises will be managed under these Restrictive Covenants in two management zones: Zone 1 which shall consist of those areas cross-hatched on Exhibit A-1 attached hereto and incorporated herein by reference, and Zone 2 which shall consist of the remaining portions of the Premises not cross-hatched on Exhibit A-1. The following Paragraphs hereunder shall apply only to Zone 1: Paragraphs 2(a), 2(b)(i), 2(b)(ii), 2(b)(iii), 2(b)(v), 2(d), 2(e), and 3. All other provisions hereunder shall apply to both Zone 1 and Zone 2. It is understood and hereby agreed that Covenantor will retain all use rights in Zones 1 and 2 not specifically restricted herein, including without limitation, the right to continue the current commercial luau use on Zone 2.

2. Covenantor's Covenants. In furtherance of the purposes of these restrictive covenants, Covenantor undertakes, of itself, to do (and to refrain from doing as the case may be) upon the Premises each of the following covenants, which contribute to the public purpose of significantly protecting and preserving the Premises:

(a) Covenantor shall not demolish, remove, or raze the Buildings except as provided in Paragraphs 6 and 7.

(b) Without the prior express written permission of the Grantee, signed by a duly authorized representative thereof, Covenantor shall not undertake any of the following actions:

(i) increase or decrease the height of the Buildings;

(ii) adversely affect the structural soundness of the Buildings;

(iii) make any changes in the Buildings including the alteration, partial removal, construction, remodeling, or other physical or structural change with respect to the appearance or construction of the Buildings, with the

exception of ordinary maintenance pursuant to Paragraph 2(c) below;

(iv) erect anything on the Premises or on the Buildings which would prohibit them from being visible from street level, except for a temporary structure during any period of approved alteration or restoration;

(v) permit any significant reconstruction, repair, painting, or refinishing of the Buildings that alters their state from the existing condition. This subsection (v) shall not include ordinary maintenance pursuant to Paragraph 2(c) below;

(vi) erect, construct, or move anything on the Premises that would encroach on the open land area surrounding the Buildings and interfere with a view of the Buildings or be incompatible with the historic or architectural character of the Buildings.

(c) Covenantor agrees at all times (i) to maintain and repair the Buildings and the Premises in a good and sound state of repair so as to preserve the architectural, historical or archaeological integrity of the Premises in order to protect and enhance those qualities that made the Property eligible for listing on the National Register of Historic Places, (ii) to maintain the structural soundness and safety of the Buildings, and (iii) to undertake a maintenance program to prevent deterioration of the Buildings. The maintenance program shall be developed jointly by Covenantor and Grantee, after consultation with appropriate agencies, organizations and individuals familiar with the maintenance of historic sites and of structures similar to the Buildings, including without limitation the National Park Service. Subject to the casualty provisions of Paragraphs 5, 6, and 7, this obligation to maintain shall include replacement, rebuilding, repair, and reconstruction whenever necessary to have the external nature of the Buildings at all times appear to be and actually be the same as the external nature shown in Exhibit B. Covenantor shall provide a firefighting system as required or recommended by the County of Hawaii Fire Department.

(d) No buildings or structures, not presently on the Premises shall be erected or placed on the Premises hereafter, except for temporary structures required for the maintenance or rehabilitation of the property.

(e) No signs, awnings, or advertisements shall be displayed or placed on the Premises or Buildings; provided,

however, that Covenantor may, with prior written approval from and in the reasonable discretion of Grantee, erect such signs or awnings as are compatible with the preservation and conservation purposes of these Restrictive Covenants and appropriate to identify the Premises and Buildings and any activities on the Premises or in the Buildings. Such approval from Grantee shall not be unreasonably withheld.

(f) No topographical changes, including but not limited to excavation, shall occur on the Premises; provided, however, that Covenantor may, with prior written approval from and in the sole discretion of Grantee, make such topographical changes as are consistent with and reasonably necessary to promote the preservation and conservation purposes of these Restrictive Covenants.

(g) There shall be no removal, destruction, or cutting down of trees, shrubs, or other vegetation on the Premises; provided, however, that Covenantor may with prior written approval from and in the reasonable discretion of Grantee, undertake such landscaping of the Premises as is compatible with the preservation and conservation purposes of these Restrictive Covenants and which may involve removal or alteration of present landscaping, including trees, shrubs, or other vegetation. In all events, Covenantor shall maintain trees, shrubs, and lawn in good manner and appearance in conformity with good forestry practices.

(h) No dumping of ashes, trash, rubbish, or any other unsightly or offensive materials shall be permitted on the Premises.

(i) The Premises shall be used only for purposes consistent with the preservation and conservation purposes of these Restrictive Covenants and the intent of the National Historic Preservation Act of 1966, in strict accordance with all applicable governmental rules and regulations, including without limitation those relating to historic preservation.

(j) No utility transmission lines, except those reasonably necessary for the existing Buildings, may be created on the Premises, subject to utility easements already recorded.

3. Public View and Access. Covenantor agrees not to obstruct the customary and regular opportunity of the public to view the exterior architectural features of the Buildings, from publicly accessible areas adjacent to Covenantor's premises, provided, however, the foregoing shall not limit or restrict

Covenantor's right to prevent unauthorized access to its premises other than Premises.

Covenantor shall make the Premises accessible to the public without charge on a minimum of three hundred (300) days per year from 10:00 a.m. to 4:00 p.m., and at other times by appointment, to permit persons affiliated with educational organizations, professional architectural associations, and historical societies to study the Premises. Any such public admission may be subject to restrictions mutually agreed upon as reasonably designed for the protection and maintenance of the Premises and Covenantor's premises. The Grantee may make photographs, drawings, or other representations documenting the significant historical, cultural, or architectural character and features of the Premises and distribute them to magazines, newsletters, or other publicly available publications, or use by them in any of their efforts or activities for the preservation and conservation of Hawaii's heritage.

4. Standards for Review. In exercising any authority created by these covenants to inspect the Premises or the Buildings, to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Buildings following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter the "Standards") and/or state or local standards reasonably considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant areas. Covenantor agrees to abide by the Standards in performing all ordinary repair and maintenance work and the maintenance program described in Paragraph 2(c). In the event the Standards are abandoned or materially altered or otherwise become, in the reasonable judgment of the Grantee, inappropriate for the purposes set forth above, the Grantee may apply reasonable alternative standards and notify Covenantor of the substituted standards.

5. Casualty Damage or Destruction. In the event that the Premises or any part thereof shall be damaged or destroyed by casualty, the Covenantor shall notify the Grantee in writing within ten (10) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. For purposes of this instrument, the term "casualty" is defined as such sudden damage or loss as would qualify for a loss deduction pursuant to Section 165(c)(3) of the

Internal Revenue Code of 1986 (construed without regard to the legal status, trade, or business of the Covenantor or any applicable dollar limitation). No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Premises and to protect public safety, shall be undertaken by Covenantor without the Grantee's prior written approval of the work. Within four (4) weeks of the date of damage or destruction, the Covenantor shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer, if required, acceptable to the Covenantor and the Grantee which shall include the following:

(a) an assessment of the nature and extent of the damage;

(b) a determination of the feasibility of the restoration of the Buildings and/or reconstruction of damaged or destroyed portions of the Premises; and

(c) a report of such restoration/reconstruction work necessary to return the Premises to the condition existing at the date hereof. If in the opinion of the Grantee, after reviewing such report, the purpose and intent of these Restrictive Covenants will be served by such restoration/reconstruction, the Covenantor shall within eighteen (18) months after the date of such change or destruction complete the restoration/construction of the Premises in accordance with plans and specifications consented to by the Grantee up to at least the total of the casualty insurance proceeds. Grantee has the right to raise funds toward the costs of restoration of partially destroyed Premises above and beyond the total of the casualty insurance proceeds as may be necessary to restore the appearance of the Buildings.

6. Grantee's Remedies Following Casualty Damage. The foregoing notwithstanding, in the event of damage resulting from casualty, as defined at Paragraph 5, which is of such magnitude and extent as to render repairs or reconstruction of the Buildings impossible using all applicable insurance proceeds, as determined by Grantee by reference to bona fide cost estimates, then Grantee may elect to reconstruct the Building using insurance proceeds, donations, or other funds received by Covenantor or Grantee on account of such casualty, but otherwise at its own expense.

7. Review After Casualty Loss. If in the opinion of the Grantee, restoration/reconstruction would not serve the purpose and intent of these Restrictive Covenants, then the Covenantor shall continue to comply with the provisions of these

Restrictive Covenants and obtain the prior written consent of the Grantee in the event the Covenantor wishes to alter, demolish, remove, or raze the Buildings, and/or construct new improvements on the Premises.

8. Grantee's Covenants. The Grantee hereby warrants and covenants that:

(a) In the event that the Grantee shall at any time in the future become the fee simple owner of the Premises, Grantee for itself, its successors, and assigns, covenants and agrees, in the event of a subsequent conveyance of the same to another, to create new restrictive covenants containing the same restrictions and provisions as are contained herein, and either to retain such rights in itself or to convey such rights to a similar unit of federal, state, or local government or local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources.

(b) Grantee may not, without the prior written consent of Covenantor, which consent shall not be unreasonably withheld, convey, assign, or transfer Grantee's rights hereunder. Any such permitted assignment must be to a state or national organization whose primary purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and must require that the preservation and conservation purposes for which these Restrictive Covenants were created will continue to be carried out.

(c) Grantee, in exercising its rights hereunder, will act reasonably, unless specifically provided otherwise herein.

9. Inspection. Covenantor hereby agrees that representatives of Grantee shall be permitted at all reasonable times to inspect the Premises, including the Buildings. Covenantor agrees that representatives of Grantee shall be permitted to enter and inspect the interior of the Buildings to ensure maintenance of structural soundness and safety; inspection of the interior may involve reasonable testing of interior structural condition. Inspection of the interior will be made at a time mutually agreed upon by Covenantor and Grantee, and Covenantor covenants not to withhold unreasonably its consent in determining a date and time for such inspection.

10. Grantee's Remedies. Grantee has the following legal remedies to correct any violation of any covenant,

stipulation, or restriction herein, in addition to any remedies now or hereafter provided by law:

(a) Grantee may, following reasonable written notice to Covenantor, institute suit(s) to enjoin such violation by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Premises to the condition and appearance required under this instrument.

(b) Representatives of the Grantee may, following reasonable notice to Covenantor, enter upon the Premises, correct any such violation, and hold Covenantor, its successors, and assigns, responsible for the cost thereof.

(c) Grantee shall exercise reasonable care in selecting independent contractors if it chooses to retain such contractors to correct any such violations, including requiring any such contractor to be properly licensed and to have adequate liability insurance and workman's compensation coverage.

(d) Grantee shall also have available all legal and equitable remedies to enforce Covenantor's obligations hereunder.

(e) In the event Covenantor is found to have violated any of its obligations, Covenantor shall reimburse Grantee for any costs or expenses incurred in connection therewith, including all reasonable court costs, and attorney's, architectural, engineering, and expert witness fees.

(f) Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

11. Notice from Government Authorities. Covenantor shall deliver to Grantee copies of any notice, demand, letter, or bill received by Covenantor from any government authority within five (5) days of receipt by Covenantor. Upon request by Grantee, Covenantor shall promptly furnish Grantee with evidence of Covenantor's compliance with such notice, demand, letter, or bill, where compliance is required by law.

12. Runs with the Land. The obligations imposed by these Restrictive Covenants shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Premises. These Restrictive Covenants shall extend to and be binding upon

Covenantor and Grantee, their respective successors in interest, or permitted assigns and all persons hereafter claiming under or through Covenantor and Grantee, and the words "Covenantor" and "Grantee" when used herein shall include all such persons. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest in the Premises by reason of a bona fide transfer. Restrictions, stipulations, and covenants contained in this instrument shall be inserted by Covenantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Covenantor divests itself of either the fee simple title to or any lesser estate in the Premises or any part thereof.

13. Recording. Covenantor shall do and perform at its own cost all acts necessary to the prompt recording of this instrument or a short form of same in the Land Court.

14. Subordination of Mortgages. Covenantor and Grantee agree that all mortgages and rights in the Premises of all Mortgagees are and shall be subject and subordinate at all times to the rights of the Grantee to enforce the purposes of these Restrictive Covenants.

15. Plaques. Covenantor agrees that Grantee may provide and maintain a plaque on the Premises, which plaque shall not exceed 24 by 36 inches in size, giving notice of the significance of the Buildings or the Premises and the existence of these Restrictive Covenants.

16. Indemnification. The Covenantor hereby agrees to pay, protect, indemnify, hold harmless, and defend at its own cost and expense, the Grantee, its agents, directors, officers, and employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in any way relating to Covenantor's breach of these Restrictive Covenants or Grantee's enforcement of these Restrictive Covenants, performed in good faith, of these Restrictive Covenants, including, but not limited to, the granting or denial of consents hereunder, the reporting on or advising as to any condition on the Premises, and the execution of work on the Premises. In the event that the Grantor is required to indemnify the Grantee pursuant to the terms hereunder, the amount of such indemnity, until discharged, shall constitute a lien on the Premises.

17. Taxes. Covenantor shall pay immediately, when first due and owing, all general taxes, special taxes, special

assessments, water charges, sewer service charges, and other charges which may become a lien on the Premises. Grantee is hereby authorized, but in no event required or expected, to make or advance, upon two (2) business days prior written notice to Covenantor, in the place of Covenantor, any payment relating to taxes, assessments, water rates, sewer rentals, and other governmental or municipality charge, fine, imposition, or lien asserted against the Premises and may do so according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture.

18. Written Notice. Any notice which either Covenantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed postage prepaid by registered or certified mail with return receipt requested, or hand delivered; if to Covenantor, then at HKK, Inc., 2490 Kalakaua Avenue, Honolulu, Hawaii 96815, and if to Grantee, then at Island Holidays, Ltd., 700 Bishop Street, Honolulu, Hawaii 96813, Attn: Law Department. Each party may change its address set forth herein by a notice to such effect to the other party. Any notice, consent, approval, agreement, or amendment permitted or required of Grantee hereunder may be given by the Grantee or by any duly authorized representative of the Grantee.

19. Evidence of Compliance. Upon request by Grantee, Covenantor shall promptly furnish Grantee with reasonable evidence of Covenantor's compliance with any obligation of Covenantor contained herein.

20. Extinguishment. Covenantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Premises may make impossible the continued protection of the Premises under these Restrictive Covenants for the preservation and conservation purposes set forth herein and necessitate extinguishment or transfer of these Restrictive Covenant. Such a change in conditions includes, but is not limited to, partial or total destruction of the Buildings resulting from a casualty of such magnitude that Grantee approves demolition as explained in Paragraphs 5 and 7, a condemnation or loss of title of all or a portion of the Premises or the Buildings, or an abandonment by the Grantee of its rights hereunder. Such an extinguishment or transfer must comply with the following requirements:

(a) The extinguishment or transfer must be the result of a final judicial proceeding;

(b) Grantee agrees to apply all of the portion of the net proceeds it receives from an extinguishment to the preservation and conservation of other buildings, structures, or sites having historical, architectural, cultural, or aesthetic value and significance to the people of the State of Hawaii.

(c) Net proceeds shall include, without limitation, insurance proceeds, condemnation proceeds or awards, proceeds from a sale in lieu of condemnation, and proceeds from the sale or exchange by Covenantor of any portion of the Premises after the extinguishment.

(d) A transfer of these covenants under this paragraph shall be only due to an abandonment by the Grantee of its rights hereunder. Such transfer shall be only to a qualified entity pursuant to a permitted assignment as described in Paragraph 8 hereinabove.

21. Interpretation and Enforcement. The following provisions shall govern the effectiveness, interpretation, and duration of these Restrictive Covenants.

(a) Any rule of strict construction designed to limit the breadth of restriction on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use herein contained as provided in any laws regarding historic preservation.

(b) This instrument shall extend to and be binding upon Covenantor and all persons hereafter claiming under or through Covenantor, and the word "Covenantor" when used herein shall include all such person, whether or not such persons have signed this instrument or then have an interest in the Premises. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest (present, partial, contingent, collateral, or future) in the Premises by reason of a bona fide transfer. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and permitted assign of Grantee and each such following successor and permitted assign thereof, and the word "Grantee" shall include all such successors and permitted assigns.

(c) Except as expressly provided herein, nothing contained in this instrument grants, nor shall be interpreted to grant, to the public any unrestricted right to enter on the

Premises or into the Buildings or on Covenantor's other premises other than the Premises.

(d) To the extent that Covenantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Premises may be developed to use more intensive (in terms of height, bulk, or other objective criteria regulated by such ordinances) than the Premises are devoted as of the date hereof, such development rights shall not be exercisable on, above, or below the Premises during the term of these Restrictive Covenants nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere with the preservation and conservation purposes of these Restrictive Covenants.

(e) For purposes of furthering the preservation of the Premises and Buildings and of furthering the other purposes of this instrument, and to meet changing conditions, Covenantor and Grantee are free to amend jointly the terms of this instrument in writing without notice to any other party; provided, however, that no such amendment shall limit the perpetual duration or interfere with the preservation and conservation purposes of these Restrictive Covenants. Such amendment shall become effective upon recording in the Land Court.

(f) The terms and conditions of these Restrictive Covenants shall be referenced in any transfer of the Premises by the Covenantor, or its successors, and assigns.

(g) It is the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement either in existence now or at any time subsequent hereto. This instrument may be re-recorded at any time by any person if the effect of such re-recording is to make more certain the enforcement of this instrument or any part thereof. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter hereof.

(h) Nothing contained herein shall be interpreted to authorize or permit Covenantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Covenantor promptly shall

notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this instrument and such ordinance or regulation.

(1) This instrument reflects the entire agreement of Covenantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

IN WITNESS WHEREOF, on the date first shown above, Covenantor has caused this preservation and conservation easement to be executed, sealed, and delivered.

COVENANTOR:

HKK, INC.

By: 

Its President

GRANTEE:

ISLAND HOLIDAYS, LTD.

Approved and
By TEL

By: 

Its VP

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this 8th day of January, 1991, before me appeared Mark Hayashi, to me personally known, who, being by me duly sworn, did say that he is the President of HKK, INC., a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said officer acknowledged that he executed said instrument as the free act and deed of said corporation.

Charlene D. Mizukawa
Notary Public, State of Hawaii
My commission expires: 9/3/94.

LS

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this 8th day of January, 1991, before me appeared P. Eric Hohmann and , to me personally known, who, being by me duly sworn, did say that he is the Vice President of ISLAND HOLIDAYS, LTD., a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said officer acknowledged that he executed said instrument as the free act and deed of said corporation.

Charlene D. Mizukawa
Notary Public, State of Hawaii
My commission expires: 9/3/94.

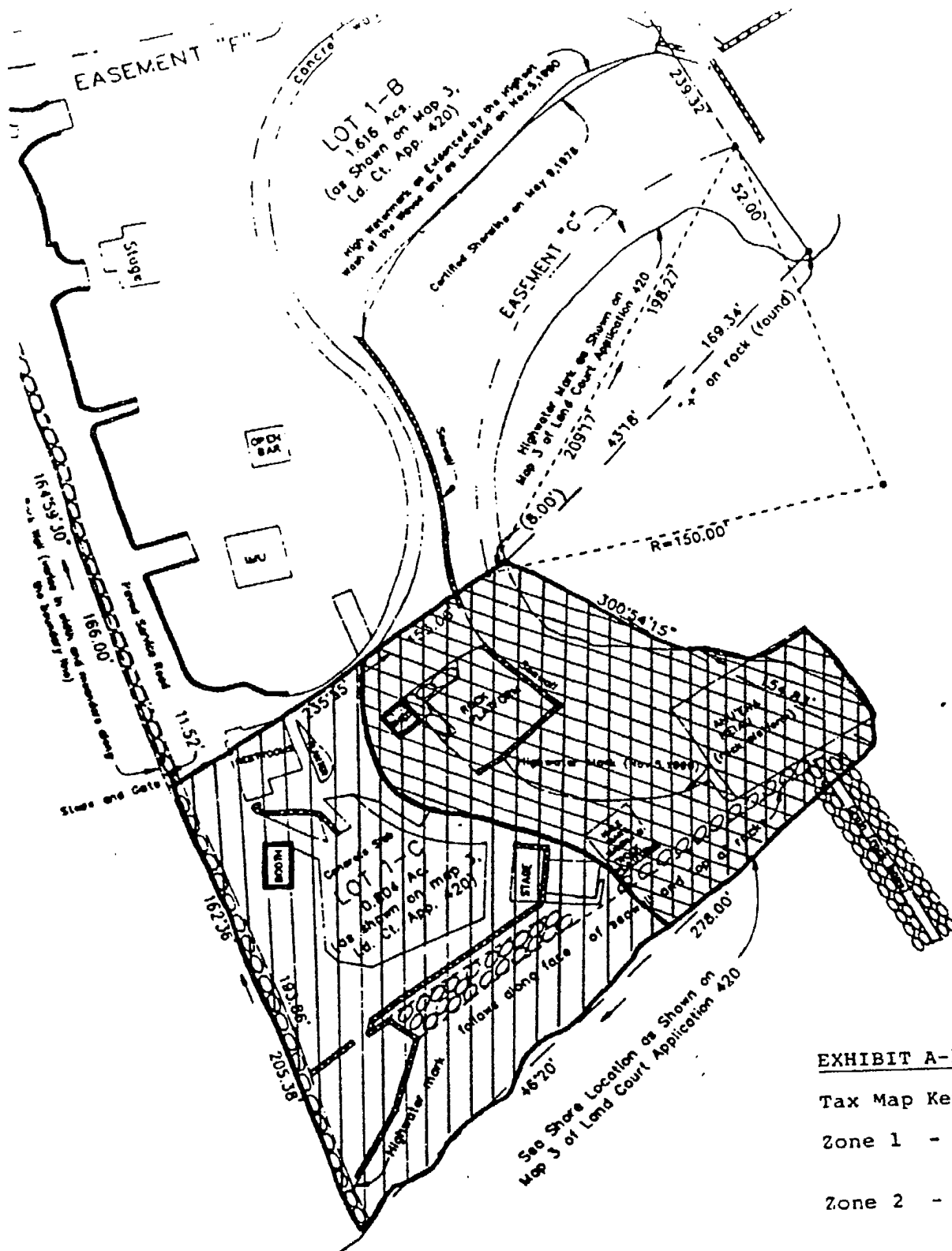
LS

EXHIBIT A

All of that certain parcel of land situate at Lanihua 1 and 2, District of North Kona, Island and County of Hawaii, State of Hawaii, described as follows:

LOT 1-C, area 0.804 acre, as shown on Map 3, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 420 of American Factors, Limited;

Being the remainder of the land(s) described in Transfer Certificate of Title No. 364,608.



RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

HOTEL KING KAMEHA OHA



EXHIBIT B

Aerial View

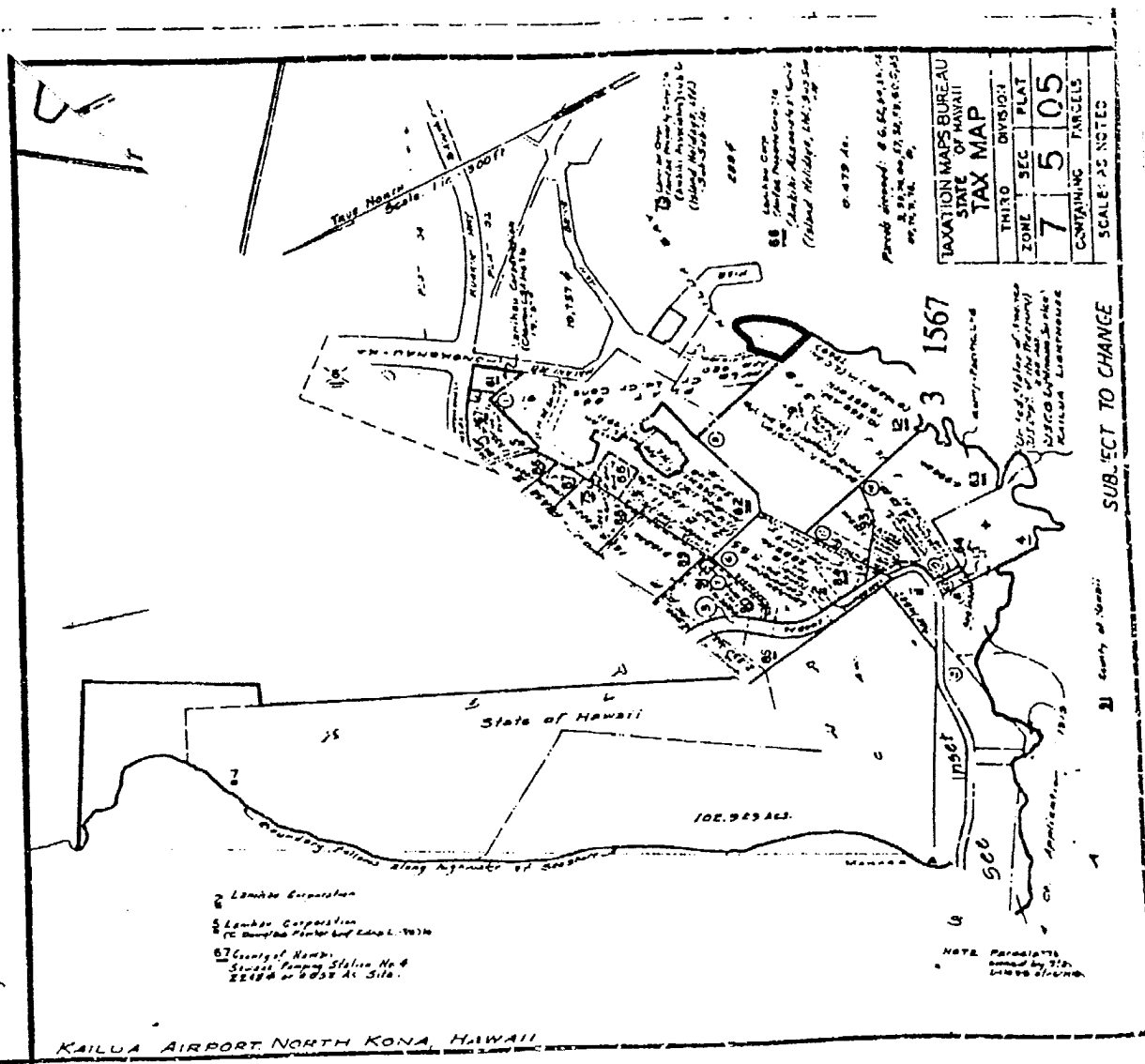
Hutu, Abarokutu, Kumbungu, Kuba, Koma, Hwari, National History Landmark
 The Hutu people worshipped many gods and there were many kinds of houses, or places of worship. This was Kumbungu's personal temple at his family residence. The charred beams, altar and wooden god images were reconstructed by the King Kumbungu lived in 1975. The based on archaeological research, historical drawings and other evidence uncovered by Bishop Museum.



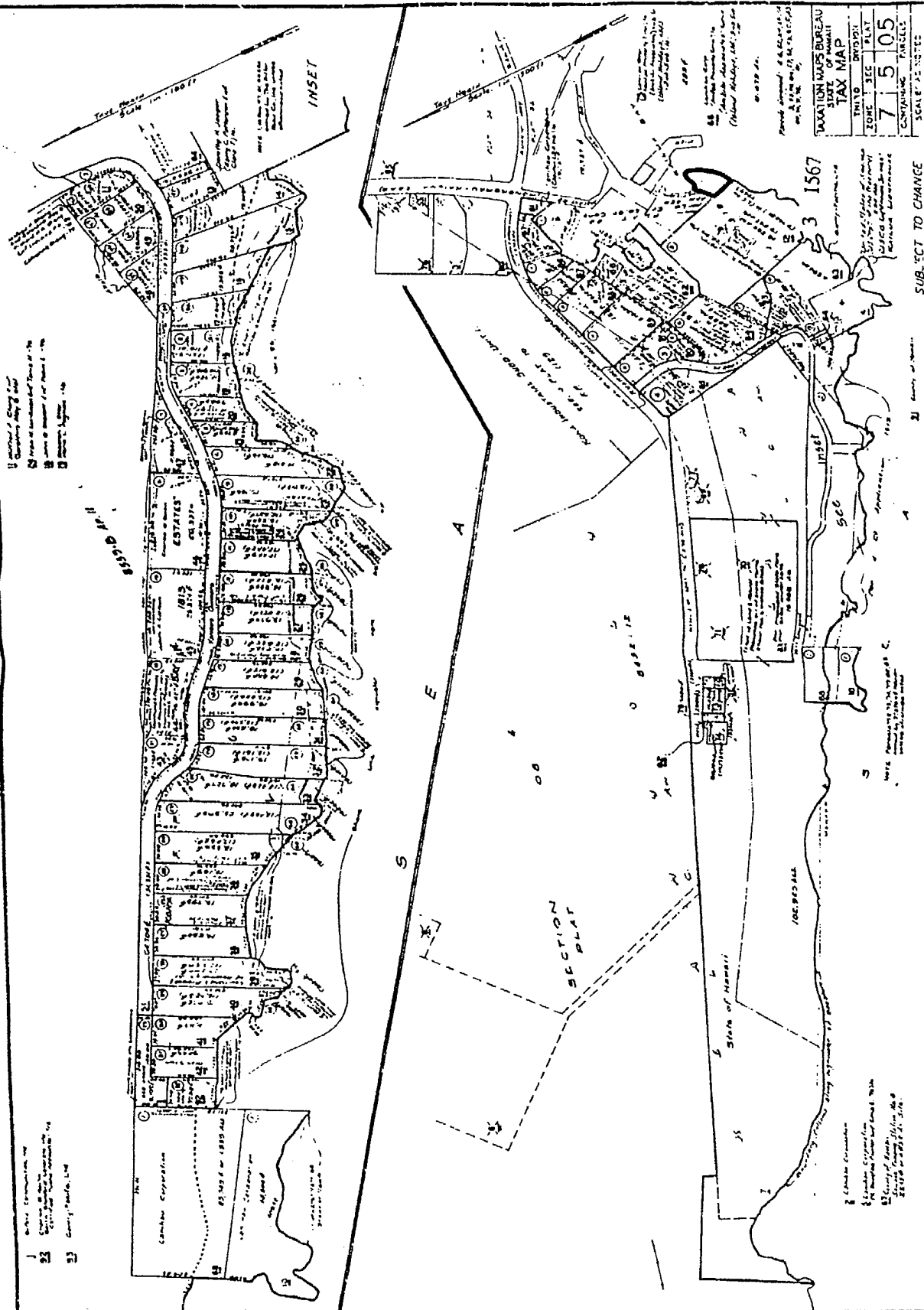
EXHIBIT B

Aug 2/8

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in this Document when received.

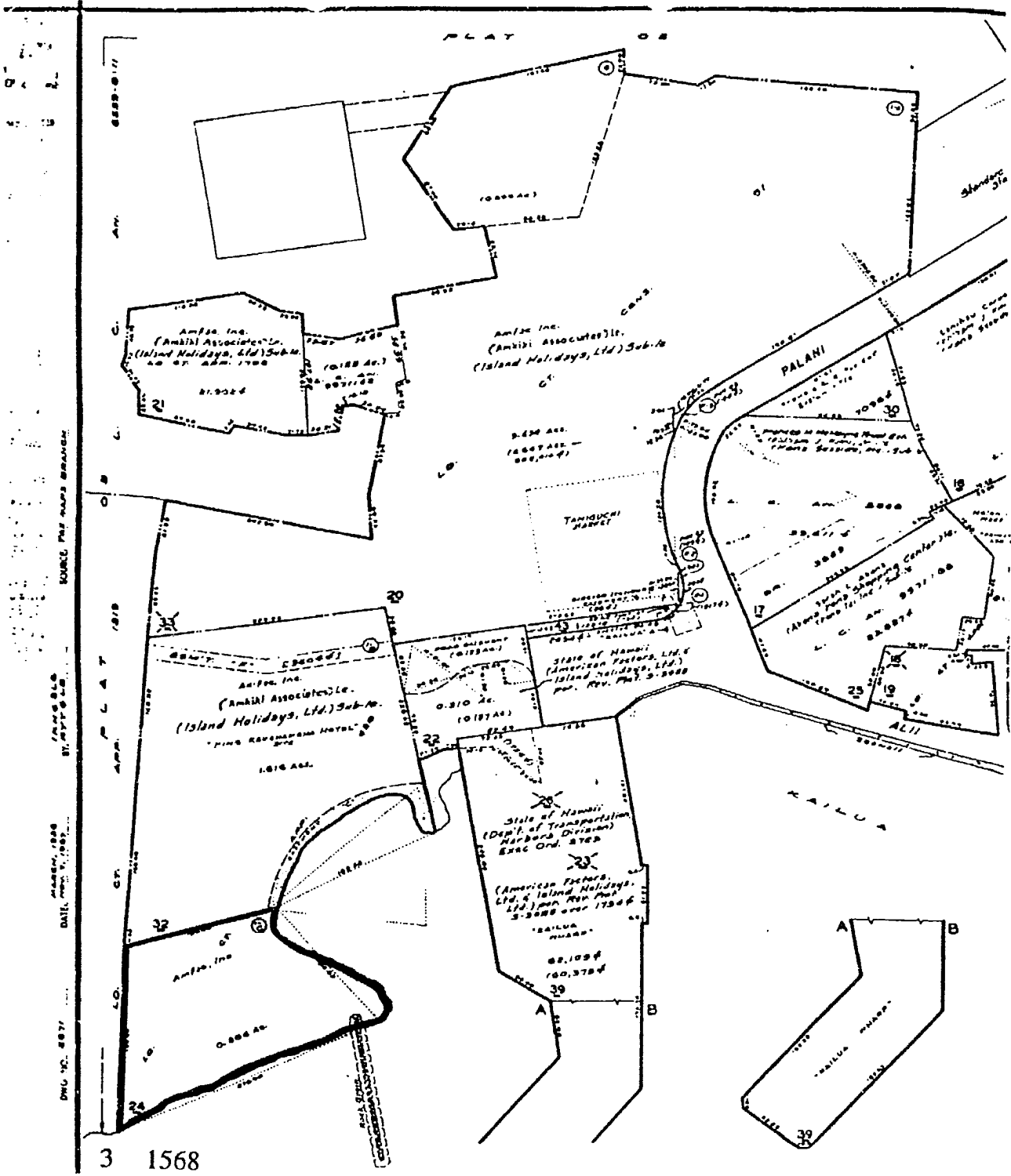


SUBJECT TO CHANGE

TAX MAP			
UNIT	SEC	BLK	LOT
7	5	05	
CONTINUING PARCELS			
SCALE 1" = 100'			

KAILUA AIRPORT NORTH KONA, HAWAII

By: [Signature] Date: 10/14/54



3 1568

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

ENVIRONMENTAL ASSESSMENT

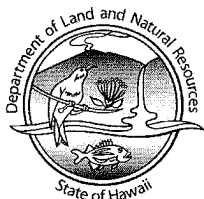
**HOTEL RENOVATIONS, KING
KAMEHAMEHA’S KONA BEACH HOTEL**

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai‘i, State of Hawai‘i

APPENDIX 3a

Comments in Response to Early Consultation



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 4, 2008

Geometrician Associates, LLC
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry


Gentlemen:

Subject: Pre-consultation for environmental assessment for King Kamehameha
Kona Beach Hotel renovations, Kailua-Kona, Hawaii, Tax Map Keys: (3)
7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

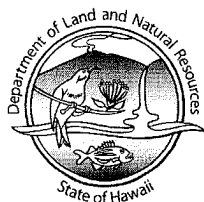
Sincerely,


for Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 12, 2008

Geometrician Associates, LLC
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry

Gentlemen:

Subject: Pre-consultation for environmental assessment for King Kamehameha Kona Beach Hotel renovations, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75

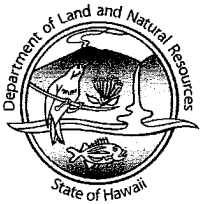
Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to the Division of Aquatic Resources for their review and comment.

The Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Morris M. Atta".

ba Morris M. Atta
Administrator



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 19, 2008

MEMORANDUM

TO: **DLNR Agencies:**
x Div. of Aquatic Resources
x Div. of Boating & Ocean Recreation
x Engineering Division
 Div. of Forestry & Wildlife
x Div. of State Parks
x Commission on Water Resource Management
 Office of Conservation & Coastal Lands
x Land Division – Hawaii District

RECEIVED
LAND DIVISION
2008 FEB 29 A 11:52
DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

FROM: *for* Morris M. Atta *Thielen*
SUBJECT: Pre-consultation for environmental assessment for King Kamehameha Kona Beach Hotel renovations
LOCATION: Kona, Hawaii, TMK: (3) 7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75
APPLICANT: Geometrician Associates, LLC on behalf of IWF KKH Pacific Hotel Investors LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by March 1, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- ☐ We have no objections.
☐ We have no comments.
☒ Comments are attached.

Signed: *C. Thielen*

Date: 2/29/08

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/MorrisAtta

**REF: PreConEAKingKamKonaBeachHotel
Hawaii.372**

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ____.
- (X) **Please take note that based on the map that you provided the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.**
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
-
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
 - () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

- () Additional Comments: _____
- () Other: _____

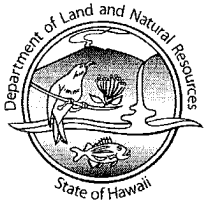
Should you have any questions, please call Ms. Suzie Agraan of the Planning Branch at 587-0258.

Signed: _____

ERIC T. HIRANO, CHIEF ENGINEER

Date: _____

2/29/08



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 5, 2008

Geometrician Associates, LLC
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry


Gentlemen:

Subject: Pre-consultation for environmental assessment for King Kamehameha
Kona Beach Hotel renovations, Kailua-Kona, Hawaii, Tax Map Keys: (3)
7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of State Parks, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

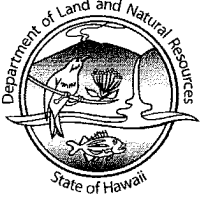
Sincerely,


Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 19, 2008

MEMORANDUM

TO: **DLNR Agencies:**
From: x Div. of Aquatic Resources
x Div. of Boating & Ocean Recreation
x Engineering Division
Div. of Forestry & Wildlife
x Div. of State Parks
x Commission on Water Resource Management
Office of Conservation & Coastal Lands
x Land Division – Hawaii District

RECEIVED
LAND DIVISION
2008 MAR -5 P 3:29
STATE OF HAWAII
DEPARTMENT OF LAND & NATURAL RESOURCES

TO: *for* FROM: Morris M. Atta *Thielen*
SUBJECT: Pre-consultation for environmental assessment for King Kamehameha Kona Beach Hotel renovations
LOCATION: Kona, Hawaii, TMK: (3) 7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75
APPLICANT: Geometrician Associates, LLC on behalf of IWF KKH Pacific Hotel Investors LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by March 1, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- (✓) We have no comments.
- () Comments are attached.

Signed: *[Signature]*
Date: 3/4/08

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 19, 2008

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☒ Div. of Boating & Ocean Recreation
- ☐ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☒ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Hawaii District



FROM:

SUBJECT:

LOCATION: Kona, Hawaii, TMK: (3) 7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75

APPLICANT: Geometrician Associates, LLC on behalf of IWF KKH Pacific Hotel Investors LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by March 1, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed:

Date: 10 MARCH 2008

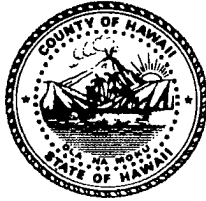
LAURA H. THELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

AQUATIC RESOURCES: 1416

DIRECTOR	
COMM. FISH.	
AQ RES/ENV	
AQ REC	
PLANNER	
STAFF SVCS	
RCU/HUH	
STATISTICS	
AFRC/FED AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
TECH ASSI	
Return to:	
No. Copies	
Copies to:	
Due Date:	

PLEASE SEND EA.

Harry Kim
Mayor



Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 25, 2008

Mr. Ron Terry
Principal
Geometrician Associates
P.O. Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

SUBJECT: Environmental Assessment for Hotel Renovations, Kona Kamehameha's
Kona Beach Hotel, North Kona, Island of Hawaii
TMK: (3rd) 7-5-006:020, 021, 024 & 032
7-5-005:062, 066 & 075

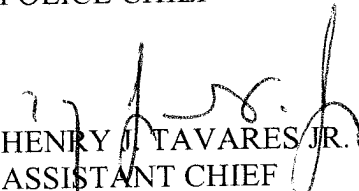
Staff has reviewed the above referenced document and submits the following comments:

- Recommend infrastructure accommodate emergency response.
- Include vehicular and pedestrian designs for rapid evacuation during a natural disaster or emergency.

Should you have any questions, please contact Acting Captain Chad Basque, Commander of Kona Patrol, at 326-4646 extension 249.

Mahalo,

LAWRENCE K. MAHUNA
POLICE CHIEF


HENRY J. TAVARES JR.
ASSISTANT CHIEF
AREA II OPERATIONS

CB:dmv

LINDA LINGLE
GOVERNOR OF HAWAII



Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

Russell Y. Tsujii
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR FOR
THE COMMISSION ON
WATER RESOURCE MANAGEMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE

1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

March 3, 2008

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND MANAGEMENT
STATE PARKS

Mr. Ron Terry
Geometrician Associates, LLC
P.O. Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

Subject: Preconsultation Environmental Assessment Review for 1) Mamalahoa Highway (SR11) Drainage Improvements at Kawa Flats, Kau, Hawaii; 2) Hotel Renovations, King Kamehameha's Kona Beach Hotel, Kailua, Kona, Hawaii; and 3) Convenience Center Improvements, Volcano, Glenwood, and Pahoa, Hawaii.

DLNR, Division of Forestry and Wildlife provide the following comments to your request. Our preliminary review of the three Environmental Assessments shows no impacts to our management programs or endangered plant species. However, we would like to receive copies of the three subject EA documents through the Environmental review process. For the Convenience Centers of Volcano, Glenwood, and Pahoa involving Conservation lands, a copy of our response will be sent to DLNR, OCCL. Thank you for allowing us to review your intention to prepare Environmental Assessments for these proposed projects.

Sincerely yours,

Paul J. Conry
Administrator

C: DLNR, OCCL

Harry Kim
Mayor



Darryl J. Oliveira
Fire Chief

Glen P.I. Honda
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 981-8394 • Fax (808) 981-2037

March 5, 2008

Mr. Ron Terry
Geometrician Associates, LLC.
PO Box 396
Hilo, Hawaii 96721

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR HOTEL RENOVATIONS
KING KAMEHAMEHA'S KONA BEACH HOTEL
TMKs: 7-5-006:020, 021, 024, & 32 and 7-5-005:062, 066, & 075

We have no comments to offer at this time in reference to the above-mentioned Environmental Assessment.


DARRYL OLIVEIRA
Fire Chief

PBW:lpc



PHONE (808) 594-1888

FAX (808) 594-1865



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

HRD08/3509

March 12, 2008

Ron Terry
Geometrician Associates LLC
P.O. Box 396
Hilo, HI 96721

RE: Pre-consultation on Draft Environmental Assessment for the renovations to the King Kamehameha's Kona Beach Hotel, TMKs: (3) 7-5-006:020, 021, 024 and 032; and 7-5-005:062, 066 and 075.

Dear Ron Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-referenced pre-consultation letter. IWK KKH Pacific Hotel Investors LLC is planning to renovate the King Kamehameha's Kona Beach Hotel by adding a new pool, open-air pavilion, conference and banquet facilities, terraces, walkways and additional parking. OHA offers the following initial comments.

We request the applicant complete a Cultural Impact Assessment for the project. We also request the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

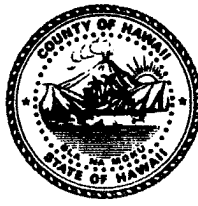
Thank you for the opportunity to comment, and we look forward to reviewing the Draft Environmental Assessment when it becomes available. If you have further questions, please contact Sterling Wong (808) 594-0248 or e-mail him at sterlingw@oha.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o
Administrator

Harry Kim
Mayor



County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

Christopher J. Yuen
Director
Brad Kurokawa, ASLA
LEED® AP
Deputy Director

March 12, 2008

Mr. Ron Terry
Geometrician Associates, LLC
P O Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

Subject: Pre-consultation for Draft Environmental Assessment (EA)
Project: King Kamehameha's Kona Beach Hotel Renovations
Tax Map Key: (3) 7-5-06:20, 21, 24, 32 and 7-5-05:62, 66, 75; North Kona, Hawaii


This is in response to your letter dated February 12, 2008 in which you requested our comments on any special environmental conditions or impacts related to the proposed hotel renovations.

The subject parcels are located in the State Land Use (SLU) Urban district and are zoned Resort-Hotel District (V-0.75) by the County of Hawai'i. In addition Kailua Village Special District is an overlay district for these parcels. The property is also located entirely within the Special Management Area (SMA). Therefore, the applicant/owner will need to submit a Special Management Area (Major) Use Permit Application to the Planning Commission for the proposed renovations to the hotel and grounds.

The EA should include a discussion of the proposed development on recreational resources and public access and specifically address how public shoreline access will be maintained during hotel renovation construction.

Please provide this office with a copy of the draft EA upon its publication. Should you have questions, please contact Maija Cottle of my staff at 961-8288 extension 253.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

MJC:cs
P:\wpwin60\Maija\EA-EIS\Pre-Consult Comments\King Kam Renovation 7-5-6-20 Pre-cmnts.doc

xc: Planning Department- Kona Office



Pahualikoakaawaloa

**Kūlana Huli Honua
Foundation of the Search for Wisdom**

Mikahala Roy, Executive Director

Ron Terry, Principal
Geometrician Associates, LLC
P O Box 396
Hilo, Hawaii 96721

March 4, 2008

Dear Mr. Terry:

Subject: Environmental Assessment (EA) for Hotel Renovations King
Kamehameha's Kona Beach Hotel, TMKs (3rd) 7-5-006:020, 021, 024 & 032,
7-5-005:062, 066, & 075.

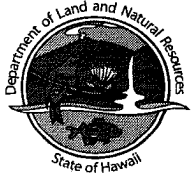
As a Hawai'i non-profit organization recognized as a 501-C3 organization by the federal government in 2001 to guide the life and care of Ahu'ena Heiau and her surrounding area, Kamakahonu, Kūlana Huli Honua here responds to your letter of February 12, 2008 regarding the above mentioned matter. We look forward to full participation in these processes to highest extent imaginable.

We here request all information you have amassed to this point pertinent to this EA. As a party in litigation with IWF-KKH at present and with the state of Hawaii, we do invite you to inquire, should you have any questions, with our lawyer, Mr. Robert D.S. Kim, Esq. at (808) 329-6611 or with myself for my organization at (808) 327-0123.

We request 10 copies of the EA at completion.

'O Wau Iho,

L. Mikahala Roy, President
Kūlana Huli Honua
75-6082 Alii Drive Suite 9
Kailua-Kona, Hawaii 96740
(808) 327-0123 (O); 327-9791 (F)



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 23, 2008

Mr. Ron Terry, Principal
Geometrician Associates, LLC
P.O. Box 396
Hilo, Hawaii 96721

LOG NO: 2008.0782
DOC NO: 0804TD10
Archaeology

Dear Mr. Terry:

**SUBJECT: Request for Concurrence with a Determination of No Effect on Historic Properties
Hotel Renovations at King Kamehameha's Kona Beach Hotel, Kailua-Kona
Lanikai Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 5-5-6: 20, 21, 24 & 32; and 7-5-5: 62, 66 & 75**

Thank you for your letter dated February 26, 2008, notifying our office that you are preparing an Environmental Assessment (EA) in connection with hotel and landscaping renovations at the Kona Beach Hotel. We received your letter in Hilo March 24, 2008. An EA is required for this project because the hotel is located partially on two parcels (24 and 32) that are listed in the State (HRHP) and National Registers of Historic Places (NRHP). The listed sites include Ahu'ena Heiau and Kamakahonu, Kamehameha's residence.

The proposed renovations include demolition of the central arcade between the two hotel towers and construction of a new swimming pool, open-air pavilion and main entry area. Conference and banquet facilities will be improved and parking areas will be expanded. The outdoor bar area and the existing pool will be removed. None of the proposed renovations will encroach closer to the two NRHP sites than the existing facilities; removal of structures will actually increase the open area between the sites and the hotel.

Based on the information provided, it appears that the renovations will have a beneficial effect on the visual impacts of the hotel from the two registered historic properties. However, we are unable to comment at this time on the potential effects of the new construction and parking area expansion. The hotel is located in the religious and political center of Kailua-Kona, and it is expected that pre-contact to early historic sites representing a wide range of functions (habitation, ceremonial, gardens, recreation, etc.) could have been located at the current hotel site. We therefore request that the EA include information on previous archaeological studies in the immediate hotel area; historic cartographic data for this location; geological and soil characteristics of the hotel site that would aid in predicting the presence/absence of subsurface cultural deposits; and a consideration of the likelihood that significant subsurface deposits could be present beneath the existing hotel structures, infrastructure and/or landscaped lawn areas. This information will aid in determining whether subsurface testing would be appropriate as part of the planning process.

Feel free to contact Theresa Donham at 987-5001 if you would like clarification of these issues or additional consultation during preparation of the EA.

Aloha,

A handwritten signature in black ink, reading "Nancy A. McMahon".

Nancy A. McMahon, Archaeology and Historic Preservation Manager
State Historic Preservation Division

ENVIRONMENTAL ASSESSMENT

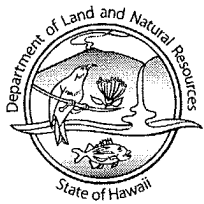
**HOTEL RENOVATIONS, KING
KAMEHAMEHA’S KONA BEACH HOTEL**

TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075

Kailua-Kona, North Kona District, County of Hawai‘i, State of Hawai‘i

APPENDIX 3b

Comments to Draft EA and Responses



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 23, 2009

Geometrician Associates
Box 396
Hilo, Hawaii 96721

Attention: Mr. Ron Terry


Ladies and Gentlemen:

Subject: Draft Environmental Assessment for Hotel Renovations at King
Kamehameha's Kona Beach Hotel

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Office of Conservation & Coastal Lands, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

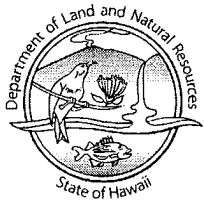
Sincerely,


for Morris M. Atta
Administrator

Cc: OEQC
County of Hawaii Planning Department

Cor: HA 09-126

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 24, 2008

RECEIVED
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2009 JAN 15 P 3:38

RECEIVED
LAND DIVISION

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☒ Div. of Boating & Ocean Recreation
☐ Engineering Division
☐ Div. of Forestry & Wildlife
☐ Div. of State Parks
☐ ~~Commission on Water Resource Management~~
☒ Office of Conservation & Coastal Lands
☐ Land Division -

RECEIVED
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2008 DEC 26 P 3:36

RECEIVED
OFFICE OF CONSERVATION
& COASTAL LANDS

FROM: *for* Morris M. Atta *Maulene*

SUBJECT: Draft environmental assessment for Hotel Renovations, King Kamehameha's
Kona Beach Hotel

LOCATION: Kailua-Kona, Hawaii, TMKS: (3) 7-5-6:20, 21, 24, 32; 7-5-5:62, 66, 75

APPLICANT: Geometrician Associates

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by January 20, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

1)

(X) We have no objections.
(X) We have no comments.
(X) Comments are attached.

Signed: *Dawn Heagerty*
Date: *1/15/09*

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009


Morris M. Atta, Administrator Land Division
Hawai'i State DLNR
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Atta:

**Subject: Comment on Draft Environmental Assessment for Hotel
Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-
5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona,
Island of Hawai'i**

Thank you for the comment letter dated December 24, 2008, indicating that DLNR's Land Division and Office of Conservation and Coastal Lands have no comments to offer at this time. We very much appreciate your distribution of the EA to the various divisions of DLNR and their review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

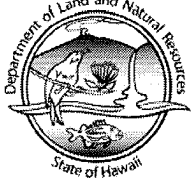
Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

January 29, 2008

Mr. Ron Terry
Geometrician Associates
P. O. Box 396
Hilo, Hawaii 96721

LOG NO: 2008.5609
DOC NO: 0901TDAJ08
Archaeology

Dear Mr. Terry:

Subject: **Chapter 6E-42 Historic Preservation Review –
Draft Environmental Assessment for Renovations at the King Kamehameha's
Kona Beach Hotel, Lanihau Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-4-06: 20, 21, 24 & 32; 7-5-05: 62, 66 & 75**

Thank you for submitting a copy of the subject DEA, which we received in the Hilo office December 21, 2008. The document addresses impacts and mitigation measures for proposed hotel renovations, to include demolition of some retail space, removal of the existing pool and construction of a new pool and lagoon, refurbishing of several interior areas, landscaping and other modifications. As indicated in the DEA, the hotel is located partially within two parcels (24 & 32) that contain important historic properties that are listed in the State and National Registers of Historic Places.

Archaeological Concerns

We have previously reviewed this proposed project for impacts to archaeological resources and offered early consultation comments (Log No. 2008.0782, Doc No. 0804TD10). The DEA and the attached CIA together provide information requested in our prior correspondence regarding the likelihood of intact subsurface deposits being present beneath the extant hotel structures. It appears that the project area is within lava flow zones and outside of the area where beach/dune deposits would be expected to accrete. We therefore concur with the recommendation found in the DEA, that archaeological monitoring is conducted of all ground altering activities during demolition and construction.

We request that the final EA include the condition that a monitoring plan will be submitted to SHPD for review and approval prior to the application for demolition and/or ground altering permits (grading, grubbing). Given the high cultural sensitivity of the general area, we also request that a plan for interim preservation measures addressing the adjacent cultural sites (Ahu'ena Heiau Complex) be formalized in consultation with interested parties. We request that this plan, to be implemented during demolition and construction, be submitted to our office for review and comment prior to the application for construction/demo permits.

We wish to point out that our early consultation comments are discussed in the text on page 20 of the DEA; however, we were not able to locate the letter in Appendix 3a, as stated on page 20.

Culture-History Concerns

The general area of the proposed renovation is within a significant historical area; and within the same area of the Heiau complex "Ahu'ena". It lies within an area known to have ancient Native Hawaiian human remains. SHPD's concerns include any inadvertent burials exposed from ground disturbances at the proposed project, which are subject to the State Burials Law, Hawaii Revised Statutes, Chapter 6E-43.

We have the following comments regarding the Cultural Impact Assessment (CIA) attached to the DEA:

- Summary of Consultation: Please include (1) the list of questions that were asked of each interviewee or group that was consulted; and (2) a copy of the letter that was sent to interviewees requesting their consultation. With respect to groups that were consulted please include a sign-in list showing the names of individuals in attendance at the time of the group consultation.
- Please include the following individuals/groups to the list of consulted parties:
 1. Ruby Keanaaina McDonald, Office of Hawaiian Affairs
 2. Mahealani Pai
 3. Bucky Leslie, HIBC Member (Kona)
 4. Cynthia Nazara, HIBC Member (Kona)
 5. Betty Kanuha Foundation (Jerome Kanuha)
 6. Akiona `Ohana (Kumu Jamie Akiona)
 7. Kunewa `Ohana (Johnbu Medeiros)
 8. Keala Ching, Kumu Hula
 9. Rolinda Bean(please contact Analu Josephides for phone numbers if needed)

Identification and Mitigation of Potential Cultural Impacts: We request that this discussion include a consideration of the potential impacts of the project (during construction) to shoreline access for gathering purposes as well as other cultural practices at the nearby Ahu'ena Heiau; or the general area for ocean recreation. There are numerous ocean recreational activities that occur at Kamakahonu which include canoe practices, swimming, and general fishing by the public and native Hawaiians.

If you have any questions regarding the above comments contact Analu Josephides at (808) 327-4959. If you have questions regarding the archaeological concerns, please contact Theresa Donham at (808) 933-7653.

Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist
and Historic Preservation Manager
Historic Preservation Division

geometrician

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phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

Nancy A. McMahon, Deputy SHPO
State Historic Preservation Division
Hawai'i State DLNR
601 Kamokila Blvd., Rm. 555
Kapolei, HI 96707

Dear Ms. McMahon:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated January 29, 2009, in which you indicated that SHPD concurs with the DEA's recommendation for archaeological monitoring of all ground-altering activities during demolition and construction.

In answer to your other comments:

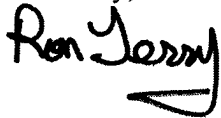
1. *Requested plans.* The Final EA will include a condition that a monitoring plan as well as a plan for interim preservation measures for cultural sites will be submitted to SHPD for review and comment/approval prior to application for demolition or ground-altering permits.
2. *Early consultation comments.* Your early consultation letter will be provided in the appendix in the Final EA. We regret the inadvertent omission.
3. *Native Hawaiian human remains.* Your concern about the possibility of burials being exposed by ground disturbances subject to Chapter 6E-43 is noted.
4. *Cultural Impact Assessment.* As stated in the CIA the interviews were informal; there was no "list of questions" asked of the interviewees or groups. Rather, the renovation plans were shared with the interviewees and groups consulted, and they were simply asked if they had any comments or concerns. Our cultural consultant's extensive experience in cultural consultation indicates that community members on the Big Island tend to feel uncomfortable and alienated in a highly structured interview process, as if they were merely items on a check-off list. While the CIA attempted to be inclusive, it

may have not reached every important person. The cultural consultant reports that three of the individuals/organizations (Ruby Keanaaina McDonald and Cynthia Nazara [as members of the Kona Hawaiian Civic Club] and the Betty Kanuha Foundation [through Clement Kanuha Jr.]) that you have recommended for further consultation were included in the consultation. The other individuals/organizations you cite can participate as part of the public review process associated with the Special Management Area (SMA) Permit. As part of the SMA notification process, the applicant will contact these individuals/organizations and solicit their *mana'o*.

5. Identification and Mitigation of Potential Cultural Impacts. Consideration of the project's lack of any potential impacts during construction to cultural practices and ocean recreation was included. The project will not include construction on or near the shoreline and public access will not be restricted. In the long term, the relocation of the swimming pool and deck to a more mauka location will actually provide a greater buffer between public utilization of the coastal resources and the private uses associated with the Hotel.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

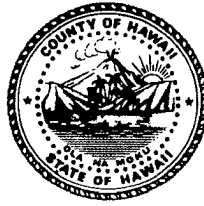
Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is stylized with a large, looped "R" and a trailing flourish.

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

December 31, 2008

Mr. Ron Terry
Geometrician Associates, LLC
P.O. Box 396
Hilo, Hawaii 96721

Dear Mr. Terry:

RE: Draft Environmental Assessment
Hotel Renovations, King Kamehameha's Kona Beach Hotel


This responds to your letter requesting comments on the above-indicated environmental assessment.

Staff has reviewed the assessment and has no comments or concerns to offer at this time.

Should you have any questions, please contact Captain Chad Basque, Commander of the Kona District, at 326-4646, ext. 249.

Mahalo,

LAWRENCE K. MAHUNA
POLICE CHIEF


HENRY J. TAVARES JR.
ASSISTANT CHIEF
AREA II OPERATIONS

GG:dmv

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phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

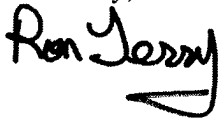
Henry J. Tavares, Jr., Assistant Chief Area II Operations
Hawai'i County Police Department
349 Kapiolani Street
Hilo, HI 96720

Dear Assistant Chief Tavares:

**Subject: Comment on Draft Environmental Assessment for Hotel
Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-
5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona,
Island of Hawai'i**

Thank you for the comment letter dated December 31, 2008, in which you indicated that the Police Department had no comments to offer at this time. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

01-14-09

PLANNING
COUNCIL

COMMENTS ON 2002 JAN 13:49

HOTEL RENOVATIONS, HOTEL KING KAMEHAMEHA'S KONA BEACH
HOTEL, KONA HI. TAX MAP KEY# (3RD) 7-5-006:020,
021, 024 & 032; 7-5-005:62, 066 & 075

AHUENA HEIAU SHOULD NOT BE REFERED TO AS
AHUENA HOUSE! IT IS TO BE CALLED AHUENA
HEIAU IT IS A TEMPLE WHERE MANY HAWAIIANS
STILL WORSHIP AND GIVE OFFERINGS AT. THE HOTEL
HAS CLAIMED THEY OWN THIS HEIAU, WHICH THEY
DO NOT! THEY ALSO RUN THE ORGANIZATION
AHUENA INC. WHICH MAKE AHUENA INC BIAS
AND I ALSO BELIEVE ILLEGAL ALMOST ALL MEMBERS
OF AHUENA INC ARE HOTEL KING KAMEHAMEHA'S
STAFF & MANAGEMENT. AHUENA INC AND THE
HOTEL CAN NOT BE TRUSTED THEY HAVE
DESICRATED AHUENA AND ITS GROUNDS MANY
TIMES EXAMPLES- DIS-ROBING THE HAWAIIAN
STATUES ON THE HEIAU LEAVING THEM NAKED.
~~THESE STATUES ARE FULLY CARVED~~ MOST OF THE STATUES
ARE FULLY CARVED INCLUDING THERE PRIVATE PARTS-
WHAT A SIGHT MAY BE THE HOTEL THOUGHT
THIS WOULD HELP TOURISOM AT THERE HOTEL,
ALSO THEY HAVE BATHROOMS BUILT RIGHT ON
THE SIDE OF A HAWAIIAN BURIAL SITE.
WOULD YOU LIKE A TOILET RIGHT NEXT TO YOUR
GRAVE. AND THEY HAVE DONE MUCH →

MORE DESICRATION! I CAN GO ON AND
ON ALSO JAK HU IN A RECENT NEWSARTICLE
(JAK HU HOTEL MANAGER) STATED THEY HAVE NEGLECTED
THE ARTIFACTS IN THE HOTEL, BUT WANT TO PUT
A MUSEUM TO HOUSE MORE. THEY ALREADY NEGLECTED
WHAT THEY HAD BUT WANT MORE DOES THAT MAKE
SENSE - THE HOTEL KING KAMEHAMEHA'S
MANAGEMENT, ITS OWNERS AS WELL AS A HUEVA
INC CAN NOT BE TRUSTED AND ARE A TREAT
TO HAWAII & ITS PEOPLE!

MAHALO NUI LOA!

KAAINA GUSMAN



geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

Kaaina Gusman
75-5865 Walua Road
Apartment C515
Kailua-Kona, HI 96740

Dear Mr. Gusman:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated January 14, 2009. In answer to your other comments:

1. *"Ahuena House"*. The reference you object to is within a direct quote from John Papa I'i, one if the great historians of 19th century Hawai'i.
2. *Activities and control over Ahu'ena Heiau*. The proposed renovation project has no effect on who controls Ahu'ena Heiau or the activities that occur there.
3. *Neglect of artifacts*. Your opinion on this matter is noted.

We very much appreciate your thoughts on the matters. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

COMMENTS FROM SUSAN GOLDEN

I submit the following thoughts after reviewing the EA for major renovations at the King Kamehameha Kona Beach Hotel:

First, in the Summary - I strongly disagree with the statement, "Ahu'ena house and Hale nana mahina 'ai may hold no archaeological significance". This is clearly in error but reflects the lack of respect the hotel owners have shown towards the site. Signs note it as an historical site and it is listed on the National and State Historic Registers. Bishop Museum has been involved with this site since the 1970's and much is still awaiting restoration. The mortuary platform is unprotected. The current luau grounds cover much of the complete Ahu'ena site. In fact, the discussion on page 34 declares it, "is of archaeological and cultural significance."

Second, I'm appaled by the cavalier approach on the treatment of human skeletal remains. Those discovered in 1995 were shipped to DLNR-SHPD and any future find would likewise be handled. There is no indication that anything was done to identify the remains. Current Burial Council policy usually recommends re-internment in place. Although re-internment is now recommended for the 1995 discovered skeletal remains, doing the same as before is clearly likely.

Third, the report states the cost of the renovation to the hotel exceeds \$25 million. If it is the policy as noted on page 30 to encourage renovation, requiring 2% or \$500,000 at this time would go far in restoring accuracy and respect to Ahu'ena Heiau complex.

Fourth, although a significant renovation like this triggers the new building standards and requirements of the Americans with Disabilities Act (ADA) of 1990, no ADA upgrades have been identified. The number of available ADA accessible guest rooms must be increased from the current 1. The bathrooms and restaurants need significant accessibility improvements. The Federal Regulations also specify the minimum amount that is dedicated to accessibility projects and the priority of those choices.

Please forward these comments to others expected to receive copies.

geometrician

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integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

Susan Golden
Via email

Dear Ms. Golden:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter on the Draft EA. In answer to your specific comments:

1. *The statement about Ahu'ena Heiau.* The exact and complete statement in the CIA is "While it should be recognized that the reconstructed features of Ahu'ena House and *Hale nana mahina 'ai* no longer hold archaeological significance, they hold great cultural significance for modern practitioners. Ahu'ena House and *Hale nana mahina 'ai*, along with the cultural activities that take place there, are considered sacred by Hawaiian cultural practitioners."

This statement was intended to convey that the reconstructed features (Ahu'ena House and *Hale nana mahina 'ai*) were subject to prior archaeological excavation and subsequent destruction as "archaeological sites," and no longer retain significant scientific information that could be retrieved through archaeological investigation. These sites have interpretive value as historical reconstructions, and as reconstructed cultural sites they hold great significance to modern practitioners.


2. *The treatment of human remains discovered in 1995.* Human skeletal remains that are inadvertently discovered, as were those in 1995 in the shoreline area not in association with Hotel activities, fall under the jurisdiction of DLNR-SHPD, and it is their responsibility to determine treatment. We would hope that they consult with both landowners and potential descendants in making their treatment decisions.

3. *Contributing to further restoration and work at Ahu'ena Heiau.* Your opinion about this is noted.

4. *Compliance with the Americans with Disabilities Act.* The project has been designed to meet current ADA standards and will be reviewed through the County plan approval processing at the time of permit application.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "o". The "T" is also stylized, with a long horizontal stroke that extends to the right.

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

Memorandum

February 20, 2009

TO: Mr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, Hawaii 96721
Fax: 1-866-316-6988

Director Katherine Kealoha
Office of Environmental Quality Control
235 So. Beretania St. Ste. 702
Honolulu, HI 96813
Fax: 1-808-586-4186

Maija Cottle
Hawaii County Planning Department
101 Pauahi St., Ste 3
Hilo, HI 96720
Fax: 1-808-961-8742

FROM: Elizabeth M. Stepp
3127 SE 33rd Ave.
Portland Oregon, 97202
esteppie@gmail.com

RE: **Draft Environmental Assessment: Hotel Renovations, King Kamehameha's Kona Beach Hotel**, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075; Kailua-Kona, North Kona District, County of Hawai'i, State of Hawai'i. December 2008. Prepared for County of Hawai'i, Planning Department; Applicant IWF KKH, LLC; Consultant: Geometrician Associates LLC.

Thank you for the opportunity to submit comments. Below are my comments on the above referenced Draft Environmental Assessment for Hotel Renovations at the King Kamehameha Hotel. Responses to the Findings can be found on pages 5 and 6, and Conclusions are on page 6.

A. Secondary and Cumulative Impacts and Impacts to Cultural and Archaeological Resources

The DEA on page 16, 1st paragraph states: *"Establishment of landscaping as early in the construction schedule as possible"* to help lower fugitive dust emissions. On page 16, the 4th paragraph states: *"Development would entail limited excavation, grading, compressors, vehicle and equipment engine operation and construction of new infrastructure."* This activity will include heavy, slow moving construction vehicles, also mentioned on page 16.

The text on Pg. 13 discusses some measures that *may* be taken to comply with obtaining an NPDES permit. Both here and on page 24 there is no discussion of secondary and cumulative impacts, or corresponding proposed mitigation measures. There is no comprehensive assessment of all on-site activities for their potential conflict with known and unknown archaeological, historical and cultural

resources, either within the construction area or in adjacent areas impacted by the project's activities. For example:

- There are potential conflicts that are not mentioned between possible discovery of such resources on site during site preparation & construction activities and measures taken to control soil loss and erosion and make landscaping improvements.
- There is no discussion of how location of required vehicle wash area, sediment pond locations and other on-site measures could conflict with location of known and currently present but unknown Kamakahonu historical and cultural resources.
- The DEA states on page 1 that several trees will be planted and new walkways constructed. Will all holes dug on the property, including for landscaping or any other surface disturbance outside of the identified demolition and construction area, be monitored by a qualified archaeologist?

Only after adequate assessment can measures to mitigate impacts then be developed in response. In order to complete an adequate assessment of impacts to any known or remaining cultural, historical and archaeological resources, I state my agreement with and hereby reference the comments submitted by H. David Tuggle, Ph.D., Senior Archaeologist with the International Archaeological Research Institute, Inc., dated February 20, 2009.

To aid coordination and avoid miscommunications, the names and contact information of all cultural, historical and archaeological consultants present on-site pre-construction and during project activities should be shared with all interested parties. The locations of required on-site areas and implemented BMPs - such as for barrier placement, sediment pond and vehicle washing areas - should be chosen in consultation with qualified archaeologists according to appropriate protocol. I again refer to Dr. H. David Tuggle and his recommendations, cited immediately above. Drip pans should be used underneath all vehicles parked on site at all times.

B. Protection of Kamakahonu Features and other Cultural, Historical and Archaeological Resources

On page 22, impacts and mitigation measures for Cultural Practices and Resources are briefly discussed. The DEA states that *"to avoid impacts to the existing features of Kamakahonu...all these features [as discussed on pages 18 – 22] need to be protected against impacts during the proposed renovation activities. Protective measures, which may include temporary fencing, contractor education, and monitoring, should be developed in coordination with Ahu'ena Heiau, Inc. and other concerned parties."*

Following this on the bottom portion of page 22 is a list of **four recommendations (not proposed mitigation measures)**, paraphrased here:

- Archaeological monitoring is recommended during sub-surface demolition or development activities. If additional burials, cultural deposits or archaeological resources are encountered, work in the immediate area of the discovery will be halted and SHPD will be contacted as outlined in the cited state regulations;
- Current hotel ownership work with DLNR-SHPD to re-inter the human skeletal remains that were unearthed in 1995;
- The hotel, in cooperation with historical and cultural groups, *"undertake to educate"* people about Kamakahonu's significance, and to do this by funding exhibits in the proposed new museum, exhibit hall and auditorium; and
- *"To the greatest degree reasonable*, the hotel ownership should ensure access to Ahu'ena by cultural practitioners during the proposed renovation."

The DEA states that the DNLR-SHPD letter cited in page 20 is included in Appendix 3a. However, I could not find a copy of this letter in Appendix 3a. This omission should be corrected prior to proceeding in this review process so that all interested parties can have a complete DEA to review.

How could the recommendation that Ahu'ena heiau remain accessible 'to the greatest degree reasonable' be a significant hardship for hotel ownership if it is stated on pg. 27 under "9. Beach Protection" that *"The proposed renovations will not affect any beaches or adversely affect public use and recreation of the shoreline in this area"* when the beach is immediately adjacent to the heiau area? Does the property owner have an obligation to worshippers who regularly use Ahu'ena heiau? Interested tourists and kama'aina also visit the Ahu'ena heiau area, and hence it is a source of cultural and historic significance to the public.

C. Identification of Kamakahonu and Designated Historic Site

Page 15, 4th paragraph states: *"Land uses surrounding the project site are resort, commercial, boating, shoreline recreation, undeveloped land and historic sites, as shown in Figure 3a."* However, Figure 3a does not have a label for historic sites. As Kamakahonu is a Federal and State listed Historic Site, and therefore recognized as significant, Figure 3a should at the least include a label locating this site and a boundary line outlining the site. There are no pictures of Ahu'ena Heiau in the DEA's list of Project Site Photos (other than an unidentified and obscured partial view), although the heiau is a significant feature on the property.

Page 20, 3rd par. states: *"During preparation of the EA, the DLNR-SHPD was contacted to determine whether historic sites would be affected by the renovation. In a letter...DNLR-SHPD requested that the EA include information on the findings of previous archaeological studies in the immediate hotel area; historic cartographic data for this location; geological and soil characteristics of the hotel site that would aid in predicting the presence/absence of subsurface cultural deposits; and a consideration of the likelihood that significant subsurface deposits could be present beneath existing hotel structures, infrastructure and/or landscaped lawn areas. This information would help SHPD determine if mitigation measures are needed, and whether subsurface testing would be appropriate as part of the planning process."*

Over 7 months elapsed between receipt of the DLNR-SHPD letter and date on the DEA. However, the DEA does not mention any further coordination with DNLR-SHPD or if it provided DNLR-SHPD with the information it requested that would have lead to an assessment of impacts. DLNR-SHPD specifically asked for this additional information in order to make a determination regarding mitigation measures and testing, as part of the pre-construction planning process. As the State agency responsible for historical and cultural resources, it is significant that no further discussion or details are present in the DEA. There is no indication that any further contact occurred or if the DLNR-SHPD has made any further determinations.

It remains unknown as to what the DEA's impact discussion and proposed mitigation measures, written as recommendations, are based upon. This DEA is incomplete without further DLNR-SHPD input. And as mentioned above, there is no DLNR-SHPD letter included in Appendix 3a. Prior to start of project, a program needs to be fully developed to protect and preserve all known and unknown archaeological, cultural and historical resources on site.

D. Assessing Impacts to Cultural Practices and Resources

In discussion of potential impacts and mitigation for Cultural Practices and Resources on page 21, the DEA explains that because the OEQC guidelines do not contain criteria for assessing the significance for traditional cultural properties, the Cultural Impact Assessment *"adopted the appropriate criteria for evaluating the significance of historic properties, of which cultural properties are a subset."* The Court Case *Ka Pa'akai O Ka'aina vs. Land Use Commission* is cited, and the DEA relies upon the three-part process in the court's decision to assess potential impacts. The DEA contains no discussion or indication that the process created by the court case is the recognized, proper and appropriate process and criteria to assess impacts in this situation.

On page 25, The DEA mentioned that the Hawaii County Planning Department told the property owner that they will need to *"consolidate any parcels where new structures will be constructed across property lines in order to meet setback requirements."* The DEA does not mention let alone discuss how this parcel consolidation may or may not conflict with the location of historic and cultural resources located on the property.

On page 25 under Historic Resources, the DEA states: *"Adverse effects to historic resources have been avoided through proper evaluation of historic sites, as discussed in Section 3.2. Archaeological monitoring will occur during construction with potential to disturb the ground surface."* However:

- No information is provided in the DEA regarding DLNR-SHPD being provided requested information to make a necessary determination regarding mitigation measures and on-site testing. There is no way of determining whether monitoring or other measures would be appropriate.
- There is a conflict with the on-site monitoring being proposed as a recommendation (see pg. 22) and the definitive statement made on page 25 that it will occur. There is no basis for this declaration.
- The discussion on pg. 22 only mentions the monitoring "during subsurface demolition or development activities", while the DLNR-SHPD letter mentioned on page 20 requests that consideration be given of significant subsurface deposits being present beneath existing hotel structures, infrastructure and/or landscaped lawn areas. Again, since it is not known whether or not DLNR-SHPD has had any opportunity to assess impacts, there is no way of knowing whether monitoring or other proposed mitigation measures, their scope or timing are appropriate or not.

E. Hawaii County General Plan

On page 30, the response to Historic Sites-Policies is incomplete. This adopted policy states, in part: *"Require both public and private developers of land to provide historical and archaeological assessments, where appropriate, prior to the clearing or development of land where there are indications that the land under consideration has historical significance."* Clearly the property contains areas of historical significance. As recently as 1995, human remains were discovered on this property. This project will involve sub-surface disturbance of the area and repeated compaction caused by heavy construction equipment. As mentioned, there is no discussion of how on-site activities could create secondary impacts on this historically significant property.

Further, if the Hawaii County General Plan's Historic Sites Policy also includes: *"Encourage the restoration of significant sites on private lands"* then the property owner should make a good-faith

effort to protect and preserve any known or unknown features that may be discovered during the course of this renovation project. At the very least, DNLR-SHPD should be allowed to adequately assess impacts and respond with mitigation measures.

F. The Kona Community Development Plan

On page 33, the Kona CDP's Policy on protecting Kona's natural resources and culture includes *1b. Culture. "Multi-ethnic culture is preserved, protected and restored in a manner that perpetuates all aspects of the aloha spirit"*. As mentioned above, this DEA possesses an incomplete assessment of impacts on historical, archaeological and cultural resources and of cumulative and secondary impacts. Therefore:

- There is no way of objectively measuring whether proposed mitigation measures are adequate. Thus, a determination cannot be made whether or not the identified culture is 'preserved, protected and restored.'
- There is no way of determining whether or not the DEA's scope of discussion in response to this policy on page 33 is adequate or complete.

G. Findings and Reasons

Page 4 of the above referenced DEA states: *"According to Chapter 343 [of the Hawaii Revised Statutes], an EA is prepared to determine the 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.* This DEA inadequately meets at least three of the required criteria, as follows.

Factor 1. *The project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* The DEA's finding to Factor 1 that no valuable cultural resources would be committed or lost is inadequate and incomplete based upon comments submitted thus far regarding no information on what testing or mitigation measures DNLR-SHPD may require or recommend (DEA page 20). The maps provided in Appendix 2, deemed ineligible by the original recorder, are the only maps provided that give any indication of where cultural resources are or of an area with an official historic designation. No specific information can be found in the DEA or its appendices to support the assertion made on page 22 that it would be "unlikely" that additional burials, cultural deposits or archaeological resources would be encountered. On page 22 the DEA offers three mitigation measures as recommendations, not stating that they will be done, thus the finding and DEA text are inconsistent. No response to DNLR-SHPD's letter and its requests (as paraphrased), summarized on page 20, is included in the DEA. Contrary to statements made in the DEA, Appendix 3a contains no DNLR-SHPD letter. Therefore, this finding has an inadequate basis of fact and is incomplete.

Factor 2. *The project will not curtail the range of beneficial uses of the environment.* On page 22 the DEA states that access to Ahu'ena Heiau by cultural practitioners should be provided 'to the greatest degree reasonable.' Ahu'ena is a part of the environment of this property, and is located immediately adjacent to the beach, which, the DEA states, will remain accessible during the entire project. Ahu'ena Heiau provides a beneficial use for cultural practitioners and others interested in accessing this site feature. The DEA's finding for factor No. 2 states *"No restriction of beneficial uses would occur as a result of this project."* If access to Ahu'ena is blocked or denied, it will impact these users significantly. The DEA offers no assurance that this would not occur. Therefore, this finding is not correct.

Factor 6. *The project will not involve substantial secondary impacts, such as population changes or effects on public facilities.*" The DEA states in response that *"No secondary effects are expected to result from the proposed action..."* However, as mentioned in response to Factor 1 above, there is no discussion or consideration in the DEA of how surface and sub-surface activities within the project area and other proposed improvements as part of this project on the property might impact or affect proper discovery of on-site archaeological resources and minimize potential damage to such resources. This finding also lacks any discussion of how implementing measures from the DLNR-SHPD letter cited on page 20 of the DEA will be applied to the project. As mentioned above, this DEA's Appendix 3a does not include a copy of the DLNR-SHPD letter, and cited in the DEA. It is assumed that "such as population changes or effects on public facilities" language in Factor 6 does not constitute the scope of impacts that should be considered. Therefore, this finding has an inadequate basis of fact and is incomplete.

H. Conclusion

Given the incomplete identification and discussion of impacts, lack of DLNR-SHPD response, the inadequate findings, an incomplete Appendix 3a and based on the comments submitted above, I assert that the Draft Environmental Assessment for King Kamehameha Hotel Renovations is incomplete and inadequate.

Respectfully submitted,

Elizabeth M. Stepp

geometrician

A S S O C I A T E S , L L C
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

Elizabeth M. Stepp
3127 SE 33rd Avenue
Portland, OR 97202

Dear Ms. Stepp:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated February 20, 2009 on the draft EA. In answer to your specific comments:

1. *Secondary and Cumulative Impacts and Impacts to Cultural and Archaeological Resources.* We believe there was sufficient discussion of cumulative and secondary impacts, which are extremely limited. The assertion that the mitigation for cultural material that might be unearthed during monitoring of site work in areas that have already largely been disturbed through bulldozing, fill and buildings would conflict with Best Management Practices for erosion and sedimentation is unfounded. We do not see any conflicts between these measures; clearly, historic sites concerns would be paramount and alternative BMPs would be implemented. For example, although it is desirable to landscape as soon as possible, if cultural resources requiring investigation are determined to be present in an excavated area, landscaping can easily wait. All ground disturbing construction, including holes dug for trees, will be monitored by an archaeologist. We note your agreement with Dr. Tuggle, and have provided a copy of our response letter to him. The Hotel will establish a single point of contact for all interaction with the community and interested parties relative to all aspects of the project. The interim contact is the Hotel's General Manager, Jak Hu, at 329-2911.

2. *Protection of Kamakahonu Features and other Cultural, Historical and Archaeological Resources.* We expect that the recommended mitigation measures will be included as mitigation measures under the Special Management Area permit that is being sought. The Hawai'i County Planning Commission will have an opportunity to review the EA and incorporate these recommendations, modified as they see fit, and impose additional ones. The early consultation letter that was inadvertently omitted from Appendix 1a has been provided in that appendix in the Final EA. All parties who

requested a copy of this were supplied it, including yourself. As you will have noted, the representations made in the Draft EA regarding the letter were accurate. Concerning access, public lateral access along the bay and beach to Ahu'ena Heiau will not be affected as a result of construction, so there will be no times at which the heiau will not be available to cultural practitioners; the only access restrictions will occur relative to access through the Hotel grounds, during certain construction times as safety concerns dictate. This has been clarified in the Final EA.

3. Identification of Kamakahonu and Designated Historic Site. The project archaeologist has coordinated with SHPD and has provided them with the information required to make their determinations. Concerning the geologic context, on page 30 of the CIA, Dr. Rechtman discussed his familiarity with other areas of Kamakahonu, where "...subsurface testing conducted at four locations documented shallow bedrock (within seventy centimeters of the surface at the deepest) immediately below a buried, highly mixed (historic and modern cultural material) and thin (about 10 centimeter thick) cultural layer, which in turn was overlain with clean sand. One would expect that the undisturbed areas (if any exist) within Kamakahonu would have a similar subsurface profile." In response to the information presented in the EA, SHPD responded that "The DEA and the attached CIA together provide information requested in our prior correspondence regarding the likelihood of intact subsurface deposits being present beneath the extant hotel structures . . . We therefore concur with the recommendation found in the DEA . . ." There has always been agreement with your statement that prior to start of the project, a program needs to be fully developed to preserve all known and unknown archaeological, cultural and historical resources on the site, and the project will not proceed without approval from SHPD. Regarding Ahu'ena Heiau, although it is discussed in detail in the EA, it will not be affected in any adverse way by any aspect of the project and does not merit a series of special photographs. The aerial photo in the Final EA has had a label added indicating Ahu'ena Heiau.

4. Ka Pa'akai; Planning Department concerns. No valued natural, cultural and historical resources were identified in the area that would be affected by the proposed renovation, apart from potential subsurface resources that would be protected by monitoring and appropriate action if any resources were discovered. Consolidation and resubdivision are administrative actions that do not have environmental implications. Please refer to the response to item 3 above with regard to development or archaeological monitoring plans.

4. Hawai'i County General Plan. The Hotel and its previous owners have contributed substantially to the restoration and perpetuation of Ahu'ena Heiau. It was AMFAC who paid for the restoration as part of an agreement among many parties, a part of which Bishop Museum retained Mauna Roy to assist in the effort. An EA is not meant to be an encyclopedic recitation of all environmental information concerning an area, but rather to assess the impacts of a particular action. The proposed renovation project has *no effect* on Ahu'ena Heiau and will have no effect on any other historic resources, given development, acceptance and monitoring of a monitoring plan for inadvertent discoveries.

5. *The Kona Community Development Plan.* We do not concur with your assessment of the adequacy of the measures to protect historic sites and therefore do not agree about the lack of consistency with Kona CDP.

6. *Findings and Reasons.* The points you raise here have been dealt with above, but to summarize, as discussed extensively in the Draft EA, disturbance will occur in areas that have already been disturbed for Hotel construction. The footprint of the Hotel is being reduced, not expanded, into undisturbed areas. There is a small chance that cultural material will be present and careful monitoring will therefore occur. The point regarding access is discussed in response to point 2, above. The so-called secondary effects you cite are discussed in response to point 1, above.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is stylized with a large, looped "R" and a cursive "Terry".

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

Attach: Letter response to H.D. Tuggle



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

HRD08/3509B

February 17, 2009

Ron Terry
Geometrician Associates
PO Box 396 Hilo, Hawai'i 96721

RE: Request for comments on the draft environmental assessment (DEA), King Kamehameha's Kona Beach Hotel, Kailua-Kona, Hawai'i, TMKs: 7-5-006:020, 021, 024 & 032; 7-5-005: 062, 066 & 075.

Aloha e Ron Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter. OHA has reviewed the project and offers the following comments.

OHA appreciates that the applicant intends to contain increased runoff from impermeable surfaces and that they seek to "both protect and improve area surface water quality in the long-term, and will also prevent storm water runoff from leaving the site." (DEA, page 10, emphasis added)

We do note that wastewater will be treated at the Kealakehe treatment plant and we see that this plant may have to "upgrade or modify its treatment to respond to water quality concerns." (DEA, page 13) OHA urges that this be clarified. The applicant must show how wastewater generated from this proposal will be adequately handled so that adverse impacts can be minimized. If current facilities are at or beyond capacity or are otherwise unable to accommodate wastewater from this proposal, this must be accounted for before the applicant should be allowed to proceed.

OHA also inquires as to the zoning of this area. Particularly we are interested in whether or not any work will take place within a shoreline setback or special management area.

While OHA recognizes that the proposed renovations will occur entirely within the existing “footprint” of the King Kamehameha’s Kona Beach Hotel and its grounds, we believe that there are certain aspects of the history of Kamakahonu and ongoing traditional cultural practices which can be incorporated into education efforts for kama’āina and visitor alike.

The Cultural Impact Assessment contained within the DEA provides an excellent overview of the traditional importance of Kamakahonu and the series of events following the death of Kamehameha I which eventually lead to the ‘ai noa, officially ending the ruling Hawaiian Monarch’s recognition of the traditional religious belief system. In 1962, Kamakahonu was recognized as a National Historic Landmark and listed on the National Register of Historic Places.

OHA applauds the broad consultation effort which was conducted in order to gain a better understanding of the significance of Kamakahonu from organizations and individuals who have direct connections to the area. Based on our review of the results of this consultation effort, it is our understanding that those who participated seek assurance that Ahu’ena Heiau will be protected during the renovation effort, access for appropriate and respectful cultural practices will be allowed during and continued after the renovation effort and that the current lū’au grounds be moved away from sacred areas associated with Ahu’ena Heiau.

OHA will rely on assurances within the DEA that detail the protective measures which will be implemented during the proposed renovations (temporary fencing, contractor education, archaeological monitoring) which will protect identified cultural sites and that to the greatest degree possible, the Hotel ownership will ensure continued access to Kamakahonu by cultural practitioners during and after the renovation effort. OHA requests that consideration be given to the idea of moving the current lū’au grounds away from areas where ongoing traditional cultural practices occur.

It is important to note that the customs, practices and traditions associated with Kamakahonu bridges the gap between past and present and provides the current generation with a better understanding of “sense of place” and cultural identity. Educational and Interpretation efforts must be expressed in respectful and appropriate measures which are developed through a collaborative effort between all parties who have an interest in Kamakahonu. It is critical that those who may have declined to participate in the consultation process up to this point continue to be provided the opportunity to join into the process as it moves forward.

The history and resources which placed importance on Kamakahonu in traditional times still draws people to these special lands. OHA looks forward to seeing educational and interpretative programs incorporated into the larger Hotel renovation effort which will ensure that the mo’olelo from the past are carried forward into the future.

Ron Terry
February 17, 2009
Page 3

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold by phone at (808) 594-0263 or e-mail him at granta@oha.org.

‘O wau iho nō me ka ‘oia ‘i ‘o,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Clyde W. Nāmu‘o
Administrator

C: OHA Kona CRC

Hawai‘i County Planning Department
101 Puahi Street, Suite 3
Hilo, Hawai‘I 96720

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

Clyde W. Nāmu‘o, Administrator
Office of Hawaiian Affairs
State of Hawai‘i
711 Kapiolani Blvd., Suite 500
Honolulu, HI 96813

Dear Mr. Nāmu‘o:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha’s Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai‘i

Thank you for the comment letter dated February 17, 2009 on the draft EA. In answer to your specific comments:

1. *Surface water quality and the Kealakehe treatment plant.* No additional wastewater will be generated from the proposed project, which is simply a renovation of an existing facility.

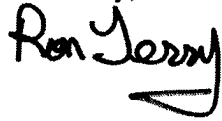
2. *Zoning, shoreline setback and Special Management Area.* Zoning for the various properties that make up the Hotel is Resort-Hotel District (V-0.75), as discussed in Section 3.6.3 of the Draft EA. The Special Management Area in Kona is very wide, extending up to Kuakini Highway as much as a half-mile inland. Like virtually the entire resort core of Kailua, including virtually all Hotels and condominiums, the Hotel is within the Special Management Area and a Special Management Area permit is required for the project. Regarding your point about the shoreline setback, however, be assured that the renovation will not encroach into the shoreline setback. The footprint of the Hotel is being moved away from the shoreline, rather than towards.

3. *Protection and access for Ahu‘ena Heiau.* Thank you for your statements regarding the Cultural Impact Assessment. The Hotel management has stated they are mindful of the need for access to Ahu‘ena Heiau and has worked with various groups to ensure that this cultural treasure’s function is enhanced. There are diverse opinions about Ahu‘ena and Kamakahonu that cannot be fully resolved at this point, but it is important to note that the proposed renovation does not affect either the physical structure or use of these resources.

4. *Educational and interpretive programs.* We appreciate your statements regarding the need to be respectful in these programs, and the Hotel is trying to work with the diverse groups who have different interests and visions about these in a careful and sensitive manner.

We very much appreciate your review of the EA. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly slanted style. The "R" is large and loops around the "o". The "T" is also large and loops around the "y".

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

February 20, 2009

Ms L. Elizabeth L. Robards
aka "Lewalani"
Post Office Box 5628
Kailua-Kona, Hawai'i 96745
(808) 887-6869

Mr. Ron Terry
Geometrician Associates, LLC
Post Office Box 396
Hilo, Hawai'i 96721

Subject: Environmental assessment for King Kamehameha's Kona Beach Hotel renovations,
Kailua-Kona, Hawaii, TMKs: (3) 7-5-6:20, 21, 24, 32, 7-5-5:62. 66. 75

Dear Mr. Terry:

My husband and I have resided on the Big Island of Hawai'i since January of 1988. For my first 5 years of residence here, I worked for a tourism vendor. This company, Kenai Helicopters, had a permanent sales desk in the lobby of what was then known as "Hotel King Kamehameha." I worked 10 hour days for 4 days a week at that hotel, then owned by American Factors(AMFAC). Both my husband, William J. Robards, and I volunteered our manual labor to assist with the "refurbishing" of Ahu'ena Heiau, under direction of David Kahelemauna Roy, Jr., in the mid 1990s. We both plan to continue working at Ahu'ena Heiau complex in the future because that area is of spiritual, cultural and historical importance to the Kailua-Kona community. Spiritual practitioners, representing many more recognized belief systems than only the Hawaiian tenets, come to Ahu'ena Heiau and Kamakahonu Beach for diverse purposes. Access should be enhanced rather than restricted by IWF KKH, LLC and their proposed custodial corporation, Ahuena Heiau, Inc. It seems inappropriate to have King Kamehameha's Kona Beach Hotel employees staffing the proposed museum. Hotel employment standards do not necessarily require adequate, scholarly background to impart correct historical facts to both the general public and cultural history researchers. This EA doesn't indicate whether or not the ownership and management are willing to spend the large dollar amounts that would be required to employ qualified individuals for the proposed educational function. Also, this EA has no information regarding possible items for sale in the proposed museum, so clearer guidelines for the museum should be included in a subsequent EA or EIS. I propose a very rigorous testing process, both written and oral, for prospective museum docents.

Since January, 2008. I have spent significant time every Friday at Ahu'ena Heiau, with notably few exceptions. My absences were due to physical infirmities, despite the fact that I presently reside in Waimea, which is an hour and a half one-way drive. There are several of us who feel it is important do this for the community. The heiau complex location and history is prominently featured in several of the better tourist guide books and many other publications. If this were a minor or unimportant site, very few individuals would walk the distance to experience Ahu'ena

Heiau closely, since the heiau is visible from Kailua Pier, Kamakahonu Beach and Ali'i Drive. It is amazing how many people from all over the world make the trek! Present signage for the heiau complex is inadequate, leaving visitors unsure that their actions are permissible while they are there.

Describing the heiau complex area as previously compromised, in order to further excuse use as a luau venue, rather than removing the inappropriately situated stage, restrooms and large concrete pad, is disingenuous. It is rather difficult to reconcile some of the statements in the "Summary of the Proposed Action, Environmental Impacts and Mitigation" with the information this Environmental Assessment(EA) provides in the balance of the entire document. This proposed renovation project would be an excellent time to address moving the luau activities from the heiau complex to the former tennis courts instead of providing 179 more parking spaces. It would certainly be a more convenient location for the hotel to service than the present luau grounds. Proper archeological investigation of the area beneath the luau pad should be performed.

Future hotel ownership and management changes should not affect the care of the Ahu'ena Heiau complex or the policies with regard to heiau access. The Kahu's hale should cease to be storage and dressing areas for the luau performers. Under the former ownership, HTH Corporation, this area was set aside, by contract, for a resident Kahu and was incorrectly given over to the luau group. That is not addressed in this EA. Further information leading to this assertion can easily be obtained by perusal of that contract. Please do not hesitate to contact me for other verification, should the need arise.

Sincerely,

A handwritten signature in black ink that reads "L. Elizabeth Robards". The script is fluid and cursive, with the first letter of each word being capitalized and prominent.

L. Elizabeth L. Robards, aka "Lewalani"

cc: Office of Environmental Quality Control
Hawai'i County Planning Department

geometrician

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phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

April 3, 2009

L. Elizabeth L. Robards
P.O. Box 5628
Kailua-Kona, HI 96745

Dear Ms. Robards:

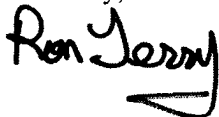
Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated February 20, 2009 on the draft EA. We appreciate your concern for the well-being and protection of the Ahu'ena Heiau complex. In answer to your specific comments:

1. *Staffing of the proposed museum.* The Hotel is in communication with several potential entities with demonstrated expertise in curating, public display and interpretation cultural ties to the Kona community.
2. *Luau activities and heiau access.* The transformation of Kamakahonu from its original state to its current one by activities in the 19th and 20th centuries may be regrettable, but the description in the CIA and the EA is not disingenuous, it is a simple fact. Although the lu'au grounds and their use are clearly controversial to some individuals, the renovation of the Hotel does not affect this. I would encourage you to take up this separate issue with the Hotel, who has been provided copies of your letter along with the other ones expressing this concern.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,




Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

February 20, 2009
--5 pages total--

Memo from:

H. David Tuggle, Ph.D.
Senior Archaeologist
International Archaeological Research Institute, Inc.
2081 Young Street, Honolulu, HI 96826



To:

Mr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, Hawaii 96721

RE: *Draft Environmental Assessment: Hotel Renovations, King Kamehameha's Kona Beach Hotel*, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075; Kailua-Kona, North Kona District, County of Hawai'i, State of Hawai'i. December 2008. Prepared for County of Hawai'i, Planning Department; Applicant IWF KKH, LLC; Consultant: Geometrician Associates LLC.

At the request of Ms. L. Mikahala Roy, President of Kūlana Hui Honua, I have prepared the following comments on the subject DEA.¹ These comments are primarily directed toward the *Cultural Impact Assessment* (CIA, Appendix 2) and toward those portions of the main text that refer to "historic properties" and "cultural resources" (Part 1.1, Part 3.2.2, and Part 5, Item 1.)

Conclusions

The following are my conclusions regarding the draft EA (DEA), based on the Comments that are presented in the following sections

- The identification of cultural resources, practices, and beliefs in the CIA is inadequate.
- The identification of possible adverse effects and any possible actions to mitigate such effects are inadequate as presented, and cannot be adequately presented in the absence of well-identified cultural resources, practices, and beliefs.
- Given the above, the first item in DEA's Findings and Reasons has to be characterized as a spurious (incorrect and improper) Finding. (The Finding, factor 1, states in part that "The project will involve an irrevocable commitment or loss or destruction of any natural or cultural resources... The action will not adversely affect the important historic and cultural resources of Kamakahonu.")

General Comments

1. The Class of Action is identified as "Use of Historic District," and throughout the DEA and CIA texts, there are references to "cultural resources," "historic properties," "historic features," "archaeological resources," "historic sites," "historic resources," "cultural sites," "traditional cultural properties," and "cultural practices and beliefs."

- There is no one place in the DEA text or CIA where these interrelated but not synonymous terms are presented in a comprehensive, coherent manner, clearly defined, or associated with the relevant laws, regulations, and guidelines that employ or refer to these terms. This is a significant omission in a document where the Class of Action is "Use of Historic District" (undefined) and where a substantial effort has been committed to preparation of a "Cultural Impact Assessment."

¹ These comments are my personal opinion and are not intended to represent the position of Ms. Roy or of International Archaeological Research Institute, Inc.

2. The “Use of Historic District” is alluded to (although not identified with this phrase) in DEA Part 1.1 (brackets added): “Although no historic properties or their features [?] would be affected by the project, preparation of an EA is required because a portion of the hotel is located on a ...parcel that is listed on the National and State Register of Historic Places...No work would be done in the vicinity of the historic sites associated with Ahu‘ena Heiau and Kamakahonu...”

- These statements are difficult to understand. If the statement “no historic properties...would be affected ” is presented as a premise, why is there reference to “mitigation” of potential impacts and “avoiding” impacts throughout the document (including the Summary of the Proposed Action)? The statement beginning “No work...” uses phrases that render it meaningless (such as “vicinity of” and “historic sites associated with...”).

3. The Historic District in question is listed on the Hawai‘i State Register of Historic Places as Site 10-27-7002. (This is also a National Landmark and a property in the National Register of Historic Places, identified as “*Kamakahonu National Historic Landmark (Residence of Kamehameha I, and ‘Ahu‘ena Heiau)*”—National Register of Places Inventory-Nomination Form, 1984. Kamakahonu is listed as the property classification “Historic District” on the National Register form.²)

- Even though this Historic District is the reason for preparation of the EA (per quotation in item 2, above), there is not a single map in the EA that clearly shows the relationship of the Historic District (as such) to the project area (or “Work Perimeter”). The reader is forced to use the TMK identification of the Historic District and then attempt to read the illegible TMK map in Fig. 2 to make this connection, or to interpret the architectural drawing in Appendix 1.
- When the reader makes the overlay of the Historic District as best as possible with the “Work Perimeter,” it appears that, contrary to statements and/or implications in the EA, work will take place within the boundary of the Historic District (see Architectural Drawing A-3).

Comments on the SHPD Letter and EA Response

The DEA (p. 200) refers to a DLNR-SHPD letter of April 23, 2008, which asks for information on a number of subjects related to appropriateness of subsurface testing and possible mitigation. In my view, the CIA does not address these items in a complete manner. For example, the requested “historic cartographic data” presented in the CIA are limited to drawings made in the 20th century and thus do not include critical historical maps such as that of Duperrey (1819) and Jackson (1883).

It is concluded in the text of the DEA (p. 20) and in the CIA (p. 34) that “beginning in the 1950s, the entire area of the hotel has been repeatedly subject to major ground-altering activities.” This is, in fact, not demonstrated in the CIA. There is no information on surface and soil conditions prior to the hotel construction, no information on the nature of hotel construction, no specific information on the “geological and soil” characteristics of the hotel site, nor even a simple overlay of drawings made from the aerial photographs in the report in order to show land use from 1968 to the present.

Even though it is posited in the DEA and CIA that the entire hotel area has been disturbed, the CIA and DEA nonetheless suggest that it is still “possible” that there are undisturbed deposits (undermining the disturbance conclusion), and recommend “just in case” archaeological monitoring of hotel construction.

I do not know the current policy of SHPD regarding monitoring for site discovery (see below) or the criteria for determining when a possible archaeological area should be tested before construction. However, my own position is that monitoring should not be used for site discovery except when necessitated by surface conditions or access (e.g., where the area in question is under concrete or may have ground-water—but even in some of those cases, archaeological testing may be possible, and if so is

² It is recognized that no federal funds or permits are known to be involved in the proposed action, but the National Register listing is noted to emphasize the historical importance of this locale.

preferred over monitoring). In sum, unless it can be demonstrated with certainty that there is no potential for archaeological remains, then testing for those remains should be conducted archaeologically and not left to discovery by monitoring (see further discussion below).

It should be pointed out that the consideration of discovery of archaeological remains is written in the context of a CIA, and thus the significance and treatment of any such remains should be subject to cultural review—something much better accomplished when discovery is by testing.

Comments on the *Cultural Impact Assessment* (CIA)

Per the OEQC Guidelines and the *Ka Pa 'akai* decision (both noted in the CIA), a CIA should, in sum, address the following three subjects (1) identify cultural resources, beliefs, and practices (terminology of the OEQC guidelines) in the project area or area of general project effect, (2) assess potential impact of the cultural resources, beliefs, and practices, and (3) propose actions to avoid, minimize, or mitigate those potential impacts.

- Examination of the Table of Contents of the CIA indicates that there is no specific section devoted to subject (1), and subjects (2) and (3) are presented in one section that is two and one-half pages in length. The DEA abstracts text from the CIA and adds headings (such as “Cultural Practices and Resources”) but the content of this text includes no clear identification of cultural resources, practices, and beliefs.
- Review of the text of the CIA indicates that cultural resources, practices, and beliefs are discussed, but not clearly identified and characterized in a single, organized section, nor are there any modern maps that display any identified or potential cultural or historical places or properties in relation to the project area. The following known or potential cultural resources, beliefs, and practices are extracted from various parts of the CIA, with comments on attendant problems or presentation:
 - The National Landmark and State site of Kamakahonu (with TMKs identified) and the note that this is “2.42 acres of the overall hotel property” followed by the statement that “...Kamakahonu at the time of Kamehameha occupied an area nearly twice that size” (CIA:3; emphasis added). No overlay map is provided showing the proposed area of Kamakahonu “at the time of Kamehameha” in relation to the project area.
 - The remains of at least three human skeletons, apparently pre-contact or early post-contact, have been found in the “sandy beach area of Kamakahonu” (CIA:30).
 - There are archaeological remnants in the Kamakahonu Landmark area and adjacent properties as indicated by previous archaeological research, but these remnants are not located on any map in the CIA that shows their relation to the project area.
 - “...however unlikely, it is possible that intact subsurface archaeological remains...could be encountered during the proposed renovation” (CIA:34). As indicated in the discussion of the SHPD letter, above, there is no archaeological argument made that this is “unlikely,” and thus is simply an assertion, not a conclusion.
 - Kamakahonu is discussed as a possible traditional cultural property, and “as a location in and of itself should always be considered a significant place (a *wahi pana*)” (CIA:34: emphasis original). However, no attention is given to what the boundary of this property should be (the existing Landmark boundary seems to be accepted as is), identified as a traditional cultural property, even though it is recognized that the original Kamakahonu was much larger than the area of the Landmark (see italicized quote at head of list, and see comment above regarding absence of reference to the maps of Duperrey 1819 and Jackson 1883). Further, there is no indication that this was discussed in any meaningful way with the cultural consultants, even though, as the CIA notes (p. 33): “...the

significance of traditional cultural properties should be determined by the community that values them.”

- Cultural practices and beliefs are mentioned, largely in relation to Ahu‘ena, but these are not presented in any organized fashion.
- The cultural consultations, which are a critical part of the process of cultural impact assessment, “...were informal, that is they were not recorded and transcribed” (CIA:31), and the results are presented in summary form in the text of the CIA. This makes it impossible to determine how the project was presented to consultants and if they were provided information and asked questions in a manner consistent with the goals of the OEQC guidelines.
- In my view, given that the cultural resources, beliefs, and practices are never clearly identified, and that the manner in which the views of cultural consultants were solicited is unclear, then the presentation of conclusions in the section “Identification and Mitigation of Potential Cultural Impacts” (CIA:33-35) is meaningless. There are in fact exactly three sentences (in the 2 and one-half pages of text) that address mitigation, and each of these is questionable in various respects:

(1) Archaeological features within the Landmark boundary “should be protected against impacts during the proposed renovation activities” (CIA:34).

- This ignores the entire subject of a larger Kamakahonu and the matter of considering Kamakahonu as a traditional cultural property (a characterization that involves much more than physical remains.)

(2) For the “possible” intact archaeological remains in the project area, the following is stated “To mitigate potential effects to possible buried resources within Kamakahonu and its immediate surrounding area, archaeological monitoring is recommended during subsurface demolition or development activities. Such monitoring will provide for an immediate response if any such resources are discovered...” (CIA: 34).

- This is both an incorrect statement of procedure and an archaeologically irresponsible one. Monitoring (as described here) is not a means of mitigation of adverse effect, but a “site” discovery process. What is an “immediate response”? Elsewhere it is stated that any discovery of remains would be “documented” (CIA:31)—what does “documented” mean? “Immediate response” and “documented” are casual terms that have no explicit archaeological meaning and (without belaboring the point of inventory excavation versus inadvertent discovery), to approach any archaeological locale, and particularly a location with the significance of the Kamakahonu area, with nothing more than casual terms diminishes the entire process.
- Further, whatever the meaning of “immediate response” and/or “documentation,” this implies that some form of immediate treatment will occur. The proposal of this treatment suggests a lack of understanding of the entire cultural impact assessment process—any archaeological-cultural remains identified by excavation (or by monitoring) require significance evaluation, cultural assessment, impact analysis, and then a treatment plan (one option of which could be protection in place and discontinuation of the proposed action). It should be emphasized again, as the CIA acknowledges (e.g., pages 1 and 34) that Kamakahonu and the surrounding area constitute one of the most important cultural and historical locales in Hawai‘i, and any archaeological remains that exist have to be viewed in that light.

(3) Regarding cultural practices at Ahu‘ena, it is recommended that “The hotel ownership should make a concerted effort to allow access to Ahu‘ena by cultural practitioners during and subsequent to the proposed renovation.”

- A “concerted effort” means no commitment. I leave further comment on this to cultural consultants and cultural practitioners.
- Finally, the DEA and CIA recommend that educational materials related to Kamakahonu history be developed as part of a proposed exhibit hall, but in a notable statement they remark that this recommendation is (CIA:34; DEA:22):

“not intended to be viewed as a mitigative measure that counter balances the cumulative destruction that has befallen Kamakahonu (nor is it the kuleana of the current hotel ownership to do so); this is simply suggested as an educational tool.”

- I believe that it may reasonably be asked: are not the proposed actions of the hotel development simply a continuation of “*the cumulative devastation that has befallen Kamakahonu*”?

2/20/09
W. D. S.

geometrician

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April 3, 2009

H. David Tuggle, Ph.D.
Senior Archaeologist
International Archaeological Research Institute, Inc.
2081 Young Street
Honolulu, HI 96826

Dear Dr. Tuggle:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comments in your letter dated February 20, 2009 on the draft EA, which you note are yours and not those of Mikahala Roy or IARII. In answer to your specific comments:

Introductory "conclusions" regarding Identification of cultural resources, practices and beliefs and mitigation of possible adverse effects. The section of the report entitled IDENTIFICATION AND MITIGATION OF POTENTIAL CULTURAL IMPACTS is devoted to the identification of resources beliefs and practices and a discussion of potential impacts and mitigation. The only potential resources identified within the project area are any as-of-yet unknown archaeological features that may have escaped the destructive activities of 50 years of intensive development and use of the property. The known archaeological/cultural features of Kamakahonu, which were subject to archaeological excavation beginning in 1975 and subsequent extensive modification as part of the Ahu'ena reconstruction project, are not within the project area and will not be negatively impacted by the proposed hotel renovation. We believe that all potential resources and mitigation measures have been properly identified and do not concur with your conclusion.

GENERAL COMMENTS

1. *Use of terms.* The following terms are used and defined within the CIA: Traditional Cultural Property, Cultural Practices and Beliefs, and Cultural Resources. The following terms are used in the CIA in the direct context with specific reference to their regulatory definitions: Historic Properties and Historic Sites (which are synonymous terms within

the Hawai'i state regulatory context) and cultural sites. There may be instances where some of these terms are used in the DEA to convey a general idea in common-use language as opposed to their specialized jargonistic definitions.

2. Mitigation in regard to the Historic District. Even though the project area and beyond has been substantially disturbed by successive hotel developments and related infrastructure, and a reasonable conclusion is that it is unlikely that intact subsurface remains exist, the consulting archaeologist, Dr. Robert Rechtman, nonetheless recommended monitoring of all subsurface development activities as a precautionary measure. In the opinion of Dr. Rechtman, despite your views to the contrary, archaeological monitoring does provide for an immediate response to inadvertently discovered remains not only with respect to identification, but also protection and stabilization; and does not preclude the necessary decision making process about further treatment. Rather, it may be the only means to allow for such a process. The Department of Natural Resources-State Historic Preservation Division, the responsible regulatory agency, has approved this approach.

3. Relation of the Historic District to project area. As discussed in Section 1.1 of the EA, a corner of Parcel 32, which is listed within the Historic District, includes several features of the Hotel buildings and grounds. The TMK map in the Final EA now shows the Historic District boundary. The Final EA also has two extra figures in Appendix 1, enlargements of two architectural sheets that show the corner of Parcel 32 and the TMK boundary. These clarify the existing situation, where the Historic District contains the makai part of the existing restaurant and much of the pool recreation area, as well as the proposed layout, where the edge of the pool recreation area is moved more than 40 feet mauka, away from the shoreline and Ahu'ena Heiau. In both the existing and proposed layout, the parts of Parcel 32 closer to Ahu'ena Heiau contain a lawn, a concrete walkway, landscaping, and the beach, all of which see extensive public use. This setting back of Hotel structures is a substantial benefit to the shoreline area and the historic and cultural features. Please note that use of a property within the Historic District is a trigger requiring preparation for the EA; once this trigger has been met, however, the EA is concerned with all aspects of the renovation project. We have discussed historic sites and potential historic sites that are inside or outside the boundaries of the Historic District in the CIA. It is important to note that none of the proposed renovation activities within the property that are technically within the Historic District appear to have any potential to affect known historic sites, and that the footprint of the Hotel is being drawn back further from Ahu'ena Heiau rather than closer.

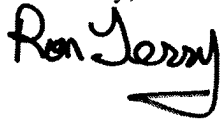
4. SHPD letter and ground-altering activities/EA response. Please see the answers to Questions 2 and 3 above, which provides the archaeologist's view on the appropriateness of monitoring in this particular context. It is important to note that SHPD has concurred with the archaeologist's approach.

5. Contents of the CIA. We do not concur with your assessment of inadequacies in the CIA. The points you make do not relate in any way to the proposed renovation action, which does not affect any of the areas for which you express concern. Again, please note that the footprint of the Hotel is being drawn back further from Ahu'ena Heiau rather than closer. The alternative is to leave the structures where they are, which, although it

might not impose new cultural impacts, would also not have less cultural impacts than providing a larger open space.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "o". The "T" is also large and loops around the "y". There is a small horizontal line under the "y".

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

March 05, 2009

TO: Director Katherine Kealoha
Office of Environmental Quality Control
235 So. Beretania St. Ste. 702
Honolulu, HI 96813 Fax: 1-808-586-4186

Maija Cottle
Hawaii County Planning Department
101 Pauahi St., Ste 3
Hilo, HI 96720 Fax: 1-808-961-8742

Dr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, Hawaii 96721 Fax: 1-866-316-6988

FROM: Mililani B. Trask
400 Hualani St. Ste. 194
Hilo, Hawaii 96720

RE: **Draft Environmental Assessment: Hotel Renovations, King
Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024
& 032; 7-5-005:062, 066 & 075; Kailua-Kona, North Kona District,
County of Hawai'i, State of Hawai'i. December 2008. Prepared for
County of Hawai'i, Planning Department; Applicant IWF KKH, LLC;
Consultant: Geometrician Associates LLC.**

PAGES: 4 (including cover)

March 5, 2009

Ladies and Gentlemen:

Regarding the matter of the Draft EA compiled at the request of IWF-KKH, LLC, I make the following comments.

I am in agreement with the full comments submitted by the following contributing parties (names, references and general conclusions highlighted in blue ink):

H. David Tuggle, Ph.D.,
Sr. Archaeologist, International Archaeological Research Institute, Inc.
2081 Young St.
Honolulu, HI 96826

February 20, 2009

Conclusions:

- The identification of cultural resources, practices, and beliefs in the CIA is inadequate.
- The identification of possible adverse effects and any possible actions to mitigate such effects are inadequate as presented, and cannot be adequately presented in the absence of well-identified cultural resources, practices, and beliefs.
- Given the above, the first item in DEA's Findings and Reasons has to be characterized as a spurious (incorrect and improper) Finding. (The Finding, factor 1, states in part that "The project will involve an irrevocable commitment or loss or destruction of any natural or cultural resources... The action will not adversely affect the important historic and cultural resources of Kamakahonu.")

Elizabeth M. Stepp
3127 SE 33rd Ave.
Portland, Oregon 97202

February 20, 2009

Conclusion:

Given the incomplete identification and discussion of impacts, lack of DLNR-SHPD response, the inadequate findings, and an incomplete Appendix 3a and based on the comments submitted above, I assert that the Draft Environmental Assessment for King Kamehameha Hotel Renovations is incomplete and inadequate.

Mikahala Roy, Kahu
Ahu'ena Heiau
President – Kulana Huli Honua
Foundation of the Search for Wisdom
P O Box 596
Kailua-Kona, HI 96745-0596

February 21, 2009

Reference:

Letter from Governor Linda Lingle that states:

It is our understanding that prior to his passing, Kahu David Kahelemauna Roy named you to succeed him as kahu and to carry on his kuleana associated with Ahu'ena Heiau and Kamakahonu.

As you know, Kamakahonu National Historic Landmark was listed in the National Register of Historic places in 1985. As you move forward with your restoration plans for Ahu'ena Heiau, I encourage you to work with the Department of Land and Natural Resources – State Historic Preservation Division. You may contact Keola Lindsey, Hawaiian cultural Historian, at 327-3692 for assistance.

Conclusion:

Given the magnitude of inadequate findings and based on the comments submitted, we assert that the Draft Environmental Assessment for KKKBH Renovations falls short of any true representation of Kamakahonu, sacred land. Further, this EA is incomplete, disrespectful to the deities of Hawaii, to the ancestors of 'Oiwī, to 'Oiwī and to an enlightened public of Hawaii and the world.

I am in total support of the full testimonies offered by these parties, particularly the testimony of Mikahala Roy, Kahu, of Ahu'ena Heiau as designated by her father.

The Draft EA is incomplete; it does not include a copy of the original DLNR-SHPD letter (missing from Appendix 3a). It does not include any information from SHPD regarding their determining impacts and developing recommended mitigation measures.

This Draft EA relies heavily on the input from the Office of Hawaiian Affairs rather than consistent monitoring records of the SHPD, the state agency/division that deals with mitigating impacts to historical/cultural resources.

I request that a map with clear, legible boundaries and features be included into the record that identifies:

- A. The entire boundary of the designated historical 'district'.
- B. All cultural & historical features on the property (not just project area)
- C. The hotel renovation project area boundaries, existing hotel development footprint and tax lots / parcels and streets.

In conclusion, I strongly support the position expressed by Kahu Mikahala Roy, who has for many years served our community as a guardian of this sacred cultural resource. Like her father before her she has the endorsement of the larger Hawaiian community, because of her commitment and experience. Hawaiians, like Mikahala and Kahu Frank Nobrega are cultural practitioners whose vast traditional knowledge greatly outweighs that of OHA, which is a State agency, elected by the public and accountable to the public. The caretaking of sacred cultural resources should be in the keeping of Hawaiian practitioners.

Aloha Mililani B. Trask

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April 3, 2009

Mililani B. Trask
400 Hualani St. Ste. 194
Hilo, Hawaii 96720

Dear Ms. Trask:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated March 5, 2009. In answer to your specific comments:

1. *Agreement with letters of Dr. Tuggle, Ms. Strepp and Ms. Roy.* Your agreement is noted. We have provided a copy of our responses to these parties with this letter.
2. *Incompleteness of Draft EA.* The early consultation letter that was inadvertently omitted from Appendix 1a has been provided in that appendix in the Final EA. All parties who requested a copy of this were supplied it. The representations made in the Draft EA regarding the letter were accurate.
3. *Impacts to Historic Sites.* Please note that all disturbance will occur in areas that have already been disturbed for Hotel construction. The footprint of the Hotel is being reduced, not expanded, into undisturbed areas. There is a small chance that historic resources could be unearthed during excavation. A monitoring plan as well as a plan for interim preservation measures for cultural sites will be submitted to SHPD for review and comment/approval prior to application for demolition or ground-altering permits.
4. *Map with boundary of historic district; cultural features on the property; and Hotel renovation project boundaries, existing footprint, TMK parcels, and streets.* Although most if not all of this information is already contained within various maps of the Draft EA, Figure 2 of the EA has been altered to clarify the boundary of the Historic District and makes the relationships among these features and boundaries clearer has been provided in the Final EA. The Final EA also has two extra figures in Appendix 1, enlargements of two architectural sheets that show the corner of Parcel 32 and the TMK boundary. These three maps are attached to the letter for your convenience. Please note

that use of a property within the Historic District is a trigger requiring preparation for the EA; once this trigger has been met, however, the EA is concerned with all aspects of the renovation project. We have discussed historic sites and potential historic sites that are inside or outside the boundaries of the Historic District in the CIA. We will reiterate that none of the proposed renovation activities within the property that are technically within the Historic District appear to have any potential to affect known historic sites, and that the footprint of the Hotel is being drawn back further from Ahu'ena Heiau rather than closer.

5. *Caretaking of cultural resources.* We acknowledge your statement that caretaking of sacred cultural resources should be in the keeping of Hawaiian practitioners. Members of Ahu'ena Inc. include Hawaiian practitioners who diligently undertake projects for the betterment and perpetuation of Ahu'ena.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

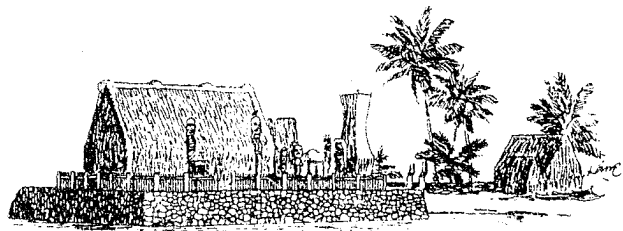
Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is stylized with a large, sweeping "R" and a long, horizontal stroke at the end.

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department

Attach: Letter responses to H.D. Tuggle, E.M. Strepp, M. Roy
Figures from Final EA.



AHU'ENA HEIAU • KAMAKAHONU, HAWAII

HĀLAU NO'EAI KAHELEMAUNA
HOUSE OF WISDOM OF THE MOUNTAIN – ROAMING CHIEF
LAND ARCHIVE & OFFICE OF THE KAHU

February 21, 2009

TO: Dr. Ron Terry
Geometrician Associates, LLC
PO Box 396
Hilo, Hawaii 96721

Director Ms. Katherine Kealoha
Office of Environmental Quality Control
235 So. Beretania St. Ste. 702
Honolulu, HI 96813

Ms. Maija Cottle
Hawaii County Planning Department
101 Pauahi St., Ste 3
Hilo, HI 96720

FROM: L. Mikahala Roy, Kahu, Ahu'ena Heiau
President, Kulana Huli Honua
Foundation of the Search for Wisdom

RE: **Draft Environmental Assessment: Hotel Renovations, King Kamehameha's Kona Beach Hotel**, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075; Kailua-Kona, North Kona District, County of Hawai'i, State of Hawai'i. December 2008. Prepared for County of Hawai'i, Planning Department; Applicant IWF KKH, LLC; Consultant: Geometrician Associates LLC.

Copyright By: Mikahala Roy

Even the occupying 'State of Hawaii' knows that 'Oiwī in Hawaii have been keeping their spiritual practices in a continuum since long before the coming of Captain James Cook from England. Why else would Hawaii's first governor upon taking office have asked priests in Hawaii, "how many active temples do you have?" It is said by knowledgeable parties that Hawaii "priests" predicted the coming of the white man and caused much of their truest practice to go underground 60 years before Cook's arrival.

In order to speak of Kamakahonu, and more, of Ahu'ena Heiau, personal Temple of Kamehameha the Great, renowned world leader from Hawaii, I ask the ancestors to guide me. Welcome to you, readers here, to this place I go now, where there is only balance, where answers of earthly problems can be found and where there is only love. I wish to dwell in the place that will allow me to do this subject the GREAT justice it deserves.

The first statement I make is a question. If Kamakahonu is regarded with so many words in a Draft Environmental Assessment, how is it that in all those paragraphs, the words of the man who communed with the ancestors for a task; the guardians who guided the restoration of Ahu'ena Heiau, are absent? He is David Kahelemauna Roy, Jr. who in 1993 officially became recognized by the state as Kahu of Ahu'ena Heiau and the greater Kamakahonu. He moved forward to become Superintendent of the restoration of the temple under contract by Bishop Museum. He worked alongside and made reports to Dr. Kenneth Emory and Dr. Y. Sinoto. In addition to that, he was a community party in the efforts to steer American Factors in the direction of integrity when it came to their desire to restore the temple of the King. His reports are prolific, his writings profuse both for the topic of the restoration and for his beloved Hawaiian people. Where are his words?

I will speak a little of the great degree of spirit and loving guidance that came to my father, to members of my family and to the faithfuls of the effort to "raise Ahu'ena Heiau". Dreams provided answers to difficult questions. Journeys of spirit to see the Heiau in earlier times, but love, the loving guidance provided to the Ones who asked is the most important detail here. The constant collaboration with the knowledgeable elders and relatives of his time such as Tutu Ka'imi Spinney and Keawe Alapa'i, and yet, the words to reflect these truths are heard upon the wind, maintained in Halau No'eau Kahelemauna, the land archive for Kamakahonu, and NOT carried in this draft EA.

I will speak a little of the signs of nature over the past 4 months in Hawaii. The planets known in the west as Jupiter and Mars aligned in the night sky, rainstorms came throughout our pae'aina that brought a day where many islands were seen again from Hawaii, moku o Keawe. Great snowfalls came to Mauna Kea and Mauna Loa; great floods pelted Kaua'i and O'ahu; a tornado visited Kapolei. There have been sightings of great numbers of sharks in the seas and in the dreams of babies of 'Oiwī in Hawaii and beyond Hawaii.

Numerous fruit of the restorer of Ahu'ena Heiau, Kahelemauna Roy, including Kulana Huli Honua, a second Hawaii non-profit to serve the people and assist Ahu'ena Heiau, Inc., have been disregarded in the process of the birth of a new hotel entity here. Ahu'ena Heiau, Inc. has ceased to respect the work of more than 30 years of the patriarch and members of the Roy 'ohana. The Roy 'Ohana are now significant keepers of history and love of Kamakahonu for the benefit of the people now and in generations to come. Kulana Huli Honua, Foundation of the Search for

Wisdom, was expelled by new people associated with H.T. Hayashi who, like Amfac before them, "promised" to uphold the sanctity and high meaning of the first capital site of our Hawaiian Kingdom. At the time that writing of this Draft EA began, Kulana Huli Honua was engaged in a lawsuit with new corporation IWF-KKH. As such we were required to be unresponsive to the invitations to give comment here. A letter was written, however and it is a part of this report. It represents the quest for strong participation we not only desired - we expected.

Documents I submit here include a letter from Governor Linda Lingle who acknowledges the conveyance of the title of Kahu from David Roy to his designates. She goes on to express her anticipation of working with the Kahu of Ahu'ena Heiau and all appropriate parties stipulated in a declaration submitted to her entitled "Ka Hana Kamaha'o", "The Wondrous Work," dated August 6, 2006.

Noted even more than the act to evict a "presence" at Kamakahonu itself is the silence of the people of our Hawaii communities. I speak not of 'Oiwī, for everyone can understand how 'Oiwī who are greatly oppressed would find it hard to give ANY of their vitality out and away, but I speak of the silence of the American business communities and residents of this occupied place. These residents and business keepers who speak at meetings of their love for the Hawaii home in which they live. These people who have witnessed the great dedication of a lifetime of this community leader and loving family man. He defended America as a veteran as do so many other 'Oiwī yet he treasured most of all the rank his people gave him, "Kahu," Ahu'ena Heiau. They listed him among the fathers of a living Hawaiian nation. Like his namesake, 'Umi-a-Liloa, he was a dedicated participant in the world's long procession for peace.

Yet – the issue noted above may not be brought here. Mother Earth is growing and shifting causing tumultuous events of America and the world that leave many households insufficient time to handle their own affairs, let alone the affairs of the first capital of Hawaii, Kamakahonu, and of 'Oiwī, the native Hawaiian people. In this discussion, I speak of living Hawaiian people and non-Hawaiian people ('Oiwī and non-'Oiwī) who descend from the Hawaiian Kingdom. I speak of the children of 'Oiwī yet to be born. I speak of the Royal Ones and all those who rest in the hallowed grounds of Kamakahonu and the greater Kona.

Evidence of living 'Oiwī traditions is here. Last year in Kona two children were born. The first was a boy born in June whose name is Ka'ahakulani, translated, *the One who will set a foundation for Heaven on Earth*. Later, in August that same year, a cousin to him - a girl, was born. Her name is Kealana'alaneokapa'amaulikapalili, meaning, *The Serene Peace that Holds the Trembling Hearts*. When Heaven and Earth move, the people can become afraid. I named them in the tradition my father named; by Ke Akua.

These names are sacred. They came from our Loving Source and this story is to be shared with all who want to know about Ahu'ena Heiau and Kamakahonu. These are inoa 'ala, *esteemed names*. One would also call them inoa wanana, *names of prophecy*.

Perhaps here closes this effort, this desire to dwell with truly knowledgeable Ones. They are both "here" and not far from "here" at any given moment.

2 of 2



Kulana Huli Honua

KA HANA KAMAHA'O

August 6, 2006

At the 4th month following the first year commemoration of the passing of the Restorer of Ahu'ena Heiau to the Realm of the Ancestors, **Kahu David Kahelemauna Roy, Jr.**, the work to uphold his restoration of Kamehameha's personal temple in Hawaii takes on invigorated effort within a foundation set by him.

Before his passing, the Kahu named Kalani Nakoa and his daughter, Mikahala Roy as successors to him as Kahu. Confirming this action as witnesses were Dan Akaka, Jr. and Aric Arakaki with professional offices at Kalahuipua'a and Kaloko, respectively. As Kahu, Nakoa and Roy will guide all future affairs especially all restorative efforts for Ahu'ena Heiau. Mr. Akaka and Mr. Arakaki will serve as special advisors to the Kahu.

Recognized for his years of strong dedication to Ahu'ena Heiau and to Kahu Mauna Roy is Kenneth Nainoa Perry. Uncle Nainoa serves as an esteemed and faithful guide here. He works especially with members of the Royal Order Of Kamehameha, Moku 'Ehiku, and others to help make sure the Heiau is maintained in a timely fashion.

Further, Nakoa & Roy (Na Kahu) will act as the concerned overseers for activity in and around Kamakahonu, first capital of the Hawaiian Kingdom united under **Ka Mo'i, Kamehameha I.** Separate from their roles as Kahu, they serve as members of two non-profit entities to support Ahu'ena Heiau. They will work alongside their respective board members and followings to continually invigorate our cause of aloha 'aina and malama ho'oilina in the care of the Wahi Kapu, Ahu'ena Heiau for the people.

In addition, Kulana Huli Honua has begun the work of creating land-based archives. The main archive will be in Kona and named **Halau No'eau Kahelemauna (The House of Wisdom of the Mountain-Roaming Chief)**. Here, the records of the restoration of Ahu'ena Heiau and other Heiau will be archived. Kulana Huli Honua will work to inspire faithfuls, men and women, to our work in Kona by ongoing tours, collaborations with public and private schools and individuals in Hawaii and beyond Hawaii.

L. Mikahala Roy, Kahu
President, Kulana Huli Honua

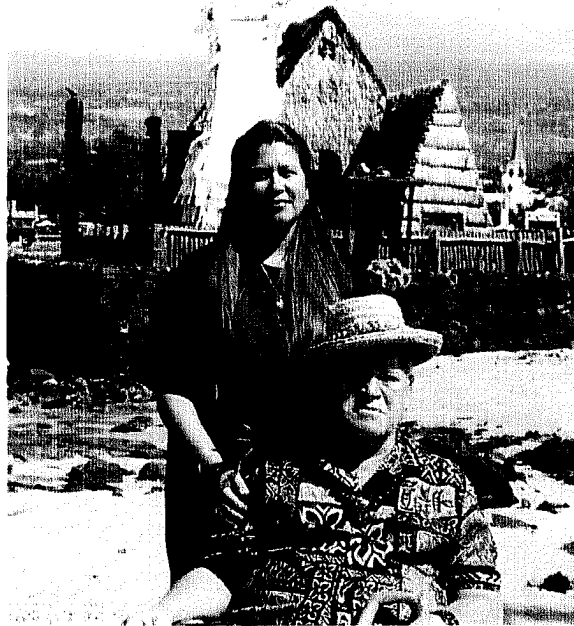
Kaleo Kalani Nakoa, Kahu
President, Ahu'ena Heiau, Inc.

Sir Kenneth Nainoa Perry
Loea

Aric Arakaki, Superintendent
National Park Service
Ala Kahakai National Historic Trail

Daniel Akaka, Jr.,
Director of Cultural Affairs
Mauna Lani Resort

"What the Wailing Wall is to Jerusalem, Ahu'ena Heiau is to Hawaii"
Mo'ke Kupihea, Author Kahuna of Light



September 10, 2006

Aloha Mai Kakou:

We thank you for being members of 'Ohana to the lands of Kamakahonu and Kaiakeakua and we wish to maintain and enhance our relationship in aloha with you. Enclosed please find information important to these lands as well to the people.

My father and all faithfuls to this cause have appreciated your years of support to Ahu'ena Heiau and Kamakahonu. Please continue your effort to our future by coming by or by calling the Kulana office at Kamakahonu as often as you are able. By your gifts of time and love, you are here each day.

Mahalo a nui loa mau.

'O Wau no i ka ha'aha'a,

Mikahala Roy, President
Kulana Huli Honua, 501-C3
Foundation of the Search for Wisdom
75-5660 Palani Rd.
Kailua-Kona, Hawaii 96740
(808) 327-0123/ (808) 327-9791
www.kulana.org/kulana@ilhawaii.net

Ahu'ena has always been an important temple of Hawai'i island since its creation. In the matter of historic tradition, great chiefs have restored and rededicated these spiritual sites as their tenures for care arose. Such was the case for Kamehameha I who rededicated this temple to Lono, god of prosperity, healing and abundance for the land and people. For Hawaiian people, life and care of our traditions is a matter that **has been** in the spirit, **is in** the spirit and **will be** in the spirit.

In keeping with tradition, my father is the "Kahu" in our time of the sacred properties with which he has worked. His is a kuleana for the spiritual and physical well-being of the sites. He has a kuleana to the past, present and the future. His is a kuleana for the overall character of the site.

My father's kuleana is to restore to life the important physical quality of sacred sites for **their significance to Hawai'i** and for the **identity of her sovereign Hawaiian people**. In so doing, he helps bring to life the spirit of Hawaii in the hearts of the people of the homeland (na kanaka maoli) and to all the people of the world.

"E 'oni wale no 'oukou i ku'u pono, 'a'ole e pau,"
"Go on in the righteousness I have followed, it is not finished"

"My islands of Hawai'i shall be an asylum for the people of the world"

Kamehameha I

‘Ohana O Kamakahonu
Family of Kamakahonu
By: Mikahala Roy Copyright

“I abide at Kamakahonu because my family has abided here since my father, David Kahelemauna Roy, Jr. restored Ahu’ena Heiau in 1975. As I look back, this seems an example of the movement of spirit. In these Hawaiian Islands, movement of Spirit is the norm”.

My older sister, ‘A’alaonaona Roy Akana, was the first director of guest activities at the then named Hotel King Kamehameha under the ownership of American Factors, Inc. The hotel gave strong commitment to the aspect of history, culture and education. Her department stood on its own, the first program to do this in the state.

“In her late twenties, ‘A’ala was one of the first Hooponopono practioners in the state of Hawaii licensed and insured for service in the state”, Roy says. A student of the land and of kalo under Mona (Moana) Kahele, ‘A’ala received her Masters degree from the University of Hawaii at Manoa in Pacific Island studies where her thesis was on kalo. She passed at age 35 as a candidate for a Ph.D. in educational psychology with emphasis in Hooponopono (Hawaiian healing and psychotherapy process) at Brigham Young University, Utah. Kupuna of Kona and throughout the state were her teachers. They included Molly Kunewa Dunaway, Mornah Simeona, Ed Kealanahele and Joseph Kahananui, Sr.

“We were raised among people who received calls from all over the world for healing, and this activity, became accepted as just what went on in our lives”.

My sisters and I were very fortunate to have trained with ‘Iolani Luahine here in Kona for many years. Aala and I further studied with our Grandaunt, Grace Momi Kaaaimoku Jacobs, a student of the Hula Kapu under great Hula Teacher Keakaokala Kanahele. While Aala was a student at UH – Manoa, she began a hui (group) she named, “E Hoohawaii Kakou”, meaning “Let’s Be Hawaiian”. With the blessing of our Kumuhula, ‘Iolani Luahine, serious students of Hawaiian language, culture and traditions at the University, traveled to each island twice, sometimes 3 times per year during holiday interim breaks. In two-week workshops we taught hula to students mostly within the DOE on every island seeking to inspire them to awaken their Hawaiian pride and traditions and to build self-esteem. It was the early period of the Hawaiian renaissance that is in coming into full bloom today.

At just about the same time, our father, David Roy, began community groups such as Ka Po’e (The People) and Ka Leo O Na Pua O Hawaii (The voice of the Descendants of Hawaii). In the words of longtime family friend and resident of Kohala, Mike Moriarty, “Mauna was different, while Hawaiians had steadily kept their customs and practices in their homes, he was one who saw the need to step out into the public’s eye as if bringing these traditions and practices alive.”

He moved forward to become supervisor in charge of the restoration of Ahu'ena Heiau working with a crew of men with Hawaiian genealogies "back to the beginning of things" in the Hawaiian Islands. They worked with the Bishop Museum staff and local consultants such as Herb Kawainui Kane who worked in the planning for the Heiau Restoration. Kane oversaw the creation of the cultural-historical exhibits in the lobby of the hotel that has long set the King Kamehameha's Kona Beach Hotel apart from all others in Hawaii.

David Roy created most of the artifacts in the exhibits along with family members. He designed and carved with traditional and modern tools, a temple drum in the image of a drum held in the Bishop Museum. The original pahu (drum), made of niu (coconut) is named Naniuaola and this new original pahu is made of koa and is named Pahualiikoaokaawaloa. The sounding of this drum at the rising of the constellation Makalii or Pleiades in the eastern sky at the exact moment of the sunset heralding Hawaiian New Year, is my commitment each year.

My father was an Alii as a member of the Royal Order of Kamehameha and for his dedication to Ahu'ena Heiau, received the highest award the Order gives. He went on to stabilize and begin restoration of Hikiau Heiau at Kealahou and Ku'emanu at Kahaluu. He served as Chairman of the Kama Point Advisory Commission and a member of the Honokohau Advisory Commission that created the congressional legislation to form Kaloko-Honokohau National Historic Park. He was a consultant of Hawaiian history, culture and restoration and as such, participated in the care of known and unknown Heiau and other sacred sites in Kona and throughout our islands.

Kūlana Huli Honua, Foundation of the Search for Wisdom, was named by my father. It is quite a name that comes from our history. When you have a deep desire to know something, and you'll leave no stone unturned as you search the four corners of the earth to find the answer; this is the meaning of our name. Our organization, which is a 501-C3 non-profit, grew out of the wish to support my father's efforts at Ahu'ena Heiau and Kamakahonu. Organized efforts to take care of Ahu'ena Heiau began with the creation of Ahu'ena Heiau, Inc., also a 501-C3 organization in 1993 when David Roy was recognized by the state as Kahu of this Heiau. This organization was formed to raise funds for the physical care in perpetuity of the Heiau. The effort has always needed reinforcement so when energies waned, Kulana Huli Honua was born in 1999 to reinvigorate the cause. Our mission is rooted in providing for the life and care of Ahu'ena Heiau and Kamakahonu.

Mikahala Roy stepped away from teaching Hawaiian history, language and culture in the Department of Education and assisted her father full time, as Vice President of Kulana Huli Honua. The organization took up the conducting of visitations to Kamakahonu and Ahu'ena Heiau in 1999. Annually, they've guided as many as 2500 students ranging from preschool to colleges and other adult groups of private study.

Two other components of the work of this organization are community education in the language, history and culture of Hawaii and the building of land Archives. This company does the former by their daily tours of Kamakahonu for students, visitors and locals for whatever donation the school or party cares to make. They also conduct monthly educational series held in their office, the Kulana Room, in the lobby of the King Kamehameha's Kona Beach Hotel. E Ola e Hawaii, Come Alive, Hawaii, occurring each third Friday of the month from 7-8:30 pm, is a program that promotes the education of Hawaiian traditions by learning from distinguished and revered living treasures of Hawaii.

Kūlana Huli Honua also conducts a program named "Ahu Kupanaha Iā Hawaii 'Imi Loa", meaning "a heap of marvelous aspects of Hawaii of the profound knowledge". This program is conducted at various times throughout the year when a guest may be featured who shares aspects of the deep lore and spirit of Hawaii past.



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

November 20, 2006

Mikahala Roy, President
Kulani Huli Honua
W. Kaleookalani Nakoa, Director
Ahu'ena Heiau, Inc.
c/o King Kamehameha's Kona Beach Hotel
75-5660 Palani Road
Kailua-Kona, Hawai'i 96740

Dear Ms. Roy and Mr. Nakoa:

Thank you for your letter dated August 29, 2006 and the attached declaration dated August 6, 2006.

It is our understanding that prior to his passing, Kahu David Kahelemauna Roy named you to succeed him as kahu and to carry on his kuleana associated with Ahu'ena Heiau and Kamakahonu.

We acknowledge that Kahu David Kahelemauna Roy played a critical role in the reconstruction of Ahu'ena Heiau and its associated structures during 1975. We also appreciate his repair work in the early and mid 1990's as these efforts enhanced Ahu'ena Heiau's historical and spiritual significance, and restored Kamakahonu as an important Hawaiian cultural symbol.

As you know, Kamakahonu National Historic Landmark was listed in the National Register of Historic Places in 1985. As you move forward with your restoration plans for Ahu'ena Heiau, I encourage you to work with the Department of Land and Natural Resources - State Historic Preservation Division. You may contact Keola Lindsey, Hawaiian Cultural Historian, at 327-3692 for assistance.

We look forward to working with you and all appropriate parties to ensure Ahu'ena Heiau and Kamakahonu are maintained for current and future generations.

Sincerely,



LINDA LINGLE

Kulana Huli Honua:

Foundation for the Search of Wisdom:

Kulana Huli Honua is a group that formed in June, 1999 and whose non-profit status as an organization was established with the State of Hawai'i in March, 2000, becoming a 501-C3 organization in early 2001. Individuals initially involved with the 1975 restoration and others came together to practice their Hawaiian culture and to serve the community in connection with the care of **Ahu'ena Heiau**, Hawaiian Sacred Site and National Historic Landmark at Kamakahonu, Kona, Hawai'i.

This is a non-profit organization with an old mission which is two-fold:

Kulana Huli Honua shall:

- I. **Guide and support the life and care of Ahu'ena Heiau** and its surrounding environment at Kamakahonu, Hawai'i through work with the adjacent land owner, government and non-government entities. Guide and support the life and care of other cultural treasures.
- II. **Promote the practice, study, education and preservation of Hawaiian Culture** through means including the establishment of Archive Libraries to contain the history and wisdom of Hawai'i's ancients for the native Hawaiian people in their Homeland and for the communities of Hawai'i.

The restoration of Ahu'ena Heiau is an isolated case of the restoration of celebrated and sacred places of Hawai'i in the modern era. Not since Henry Kekahuna, Naluahine Ka'opua and Homer Hayes performed such work at Ka-ua-ka'i-a-ke-ola Heiau in Puapua'a II, North Kona in 1946 has restoration to this extent been seen. Moreover, it is an example of how collaborative effort from the cultural, business, government and scientific communities may result in progress toward integrity of knowledge in the lands of Hawai'i.

Kamakahonu was the first capital of Hawai'i as Kamehameha the Great established residency there in 1812 entertaining visitors and conducting affairs for a newly unified kingdom. The restoration of Ahu'ena Heiau provides a strong reminder to future generations that such work is important. On a Hawai'i island that bears evidence of imbalanced and detrimental development of lands over time, the example of this Heiau restoration and work toward its perpetual care takes on deeper meaning.

Ahu'ena is a site that is both on dry land and in the sea. The lands at Kamakahonu were adversely affected when a pier was erected in times when there was no advocacy for the identification of Hawaiian historic sites and work toward their preservation. Such work provides valued precedent toward stating the case for future generations that alternatives exist for land use in Hawai'i. Such alternatives would promote the concept of "aloha 'aina", "love of the land." Further, that "ka'imi 'oia'i'o", "the search of truth" in knowledge of the islands of Hawai'i is of high importance and is a realistic expectation.

Please visit the Kulana Room
in the lobby at the
King Kamehameha's Kona Beach Hotel
75-5660 Palani Road
Kailua-Kona, HI 96740

For more information, call (808) 327-0123 / (808) 327-9791 (f)

KULANA HULI HONUA ACTIVITIES & SERVICES

E Ola E Hawai'i Speaker Series

Last Friday of every month, 7-8:30 p.m.

Cultural & historical tours, Kamakahonu & coastal

Daily @ 1:00 p.m. & By appointment

Cultural & Historical Scrapbooking

Tuesdays & Fridays, 11 a.m.-2 p.m.

Lei-making

Wednesdays, 12 p.m.-2 p.m.

Specialized seminars with kupuna (revered elders)

By arrangement with staff

School & college presentations & tours

By arrangement with staff

Retreats & workshops in Kona Hema (South Kona)

By arrangement with staff

Liaison with community

By arrangement with staff

Resident & visitor information

Via Kulana Room visits & by phone

Community meeting site

Kulana Room, by arrangement with staff

Adult education classes

Through Kona Community School for Adults

Kulana Room, King Kamehameha's Kona Beach Hotel

(808) 327-0123 / (808) 327-9791 (fax)

Projects for 2006 / 2007

- New Employees
-
- Daily Room Activities / Scrapbooking, Quilting, Oral Traditions
-
- E Ola e Hawaii Program
-
- He Wa Moolelo – Radio Advertising
-
- Archive Planning
-
- Paliuli Planting Programs
-
- Moolelo O Kamakahonu
-
- Ahu Kupaianaha ia Hawaii ‘Imi Loa
-
- Kauaka’iakeola Heiau Advocacy
-
- Christmas Room Celebrations
-
- Hawaii Food Bank Christmas Charity
-
- Kona Lion’s Club
-
- Hawaii Intake Center Participant
-
- Welcome for the Royal Hawaiian Band
-
- January 4, 2007 Ceremony at Ahu’ena Heiau
-
- Year of Ceremonies for Ahu’ena Heiau
-
- Ua Hilo ‘Ia I ke ‘Aho a Ke Aloha (Tribute to Uncle George Na’ope)
-
- ‘Akoakoa No Na Waihona (Gathering for the Enclosures of the Treasures)
-
- Kuaheua Heiau Restoration
-
- Kakala O Kamoā Booklets
-
- Pahualiiakoakaawaloa Ceremony / Makalii Rising
-

HALAU NO'EAU KAHELEMAUNA
HOUSE OF WISDOM OF THE MOUNTAIN-ROAMING CHIEF

HOLANI
CONVEYANCE OF HEAVEN

At the fifth anniversary of the initiation of Kulana Huli Honua, community 501-C3 organization in Kona Hawaii, the organization seeks to begin work on community Waihona. At the outset, charter board members looked forward to some way that wisdom and knowledge, based on physical collections of artifacts and literary treasures might be saved for the future. The organization hoped to amplify the writings, teachings and physical collections from members of the Hawaiian community in hopes of fostering inspiration for continuing practice by and for future generations.

The concept for two Waihona or "Archives" were conceived. One would be based in the life's work of **George L. Na'ope**, Loea Hula (Hula Master) and the other for **David Kahelemauna Roy, Jr.**, Restorer of Ahu'ena Heiau and Historian of Hawaii. Both are the artists beloved by their Hawaii communities. They have been relentless in their work to keep Hawaiians connected to the identity of their ancestors.

In 2006, the seeds earlier planted are breaking ground from soil well tended.

Holani is the name for the Archive for George Na'ope begun in Hilo, while Halau No'eau Kahelemauna is being planned in Kona.

Holani is spearheaded by a planning committee chaired by Ms. Chelle Shand, a lecturer at the UH-Hilo. Ms. Shand works with a non-profit corporation in Ka'u, The Na'alehu Theatre. The Archive was begun by the production of a forerunner product to introduce **Holani**. At the Merrie Monarch Festival this year, the premier edition of "**Humu Mo'olelo**," Journal of the Hula Arts was introduced to Hawaii. The committee has been very active in seeking a physical prospective location for the Hula Archive in strong interaction with government and community resources.

Halau No'eau Kahelemauna plans have been laid consistently over the past several years with Ms. Mikahala Roy, President of Kulana Huli Honua, as Chair. Kahu David Roy passed to the realm of the ancestors in April of 2005. In September of that year, Ms. Roy achieved the commitment of Mr. Sidney Fuke, retired director of Planning for the County of Hawaii to assist in project planning. Presently in April of 2006, a planning committee is forming. Prospective members in addition to the chair are Mr. R. Tai Crouch, Environmental Education Specialist/Hawaiian Culture Specialist – Punahou School, Dr. Ku Kahakalau, Principal and Co-Founder of Kanu O Ka 'Aina New Century Charter School, Mrs. Verda Roy, Executive Assistant to David Roy, Lokalia Montgomery, 'Iolani Luahine and A'alaonaona Roy-Akana, Mr. Manuel Delo Santos, Jr., Kona Agricultural Specialist, Mr. Steve Morse, Lead Advocate for Human Services, Health & Human Services, Housing & Education - OHA. Consultants to the project include Mr. Sidney Fuke, Planning Consultant, Ms. Dore Minatodani, Librarian – Hawaiian Collection Hamilton Library, UH Manoa, Mr. Phil Nowicki, Artist, Albert Ahagma, Artist & Planner.

Plans for this archive include a main archive building to be constructed upon one acre surrounded by a dryland garden upon four acres. The garden is to be named "**Malaai Pilihonua**", "Garden Loved by Mother Earth". The physical two-story building will be a repository for the writings of David K. Roy, on Hawaiian history highlighting history of Hawaii Island Chiefs, Ahu'ena Heiau Restoration, Hikiau Heiau, Ku'emanu Heiau and Heiau Restoration Work, Hawaiian language, Hawaiian religion, Hawaiian Arts and Lore. This place will be repository for other community wisdom and history keepers and practitioners such as the works of Clarence Medeiros, Sr., renowned mala'ai farmer, teacher, artist & geneologist, oral histories of Kalaupapa by Lynette Aalaonaona Roy Akana, teachings of David "Daddy" Bray, pookahuna of the 20th century, and other teachings of Hawaii Maoli (the indigenous people of Hawaii). An area of this archive will be dedicated to the study and keeping of genealogies for the people.

Comments of L. Mikahala Roy, Kahu Ahu'ena Heiau / Kamakahonu.
President Kulana Huli Honua, Foundation of the Search for Wisdom, Hawaii non-profit

Summary of the Proposed Action, Environmental Impacts and Mitigation Measures

Comment: The summary report and this EA is as upside down as its opening pages 2-7 of the copy I received. The summary report is void of acknowledgement and respect of the restoration of the spiritual care (which is also the ongoing care) of Ahu'ena Heiau. Kamakahonu and Ahu'ena Heiau are one of the most significant wahi kapu of Hawaii at Kamakahonu. There is no record of acknowledgement or inquiry made of the present Kahu of Ahu'ena Heiau.

The designation of Kahu for Ahu'ena Heiau and Kamakahonu was made by Hawaii's community from the onset of the care to restore Ahu'ena Heiau. The designation of Kahu was confirmed by the state in 1993. (Please see accounts provided by records of D.K. Roy, Jr. and minutes of meetings of Ahu'ena Heiau, Inc.)

The status for the protocol of care for Ahu'ena Heiau and Kamakahonu is confirmed by a letter from Governor Linda Lingle dated November 20, 2006. The Governor confirms the declaration of Kahu David Kahelemauna Roy, Jr. expressed in the public document "Ka Hana Kamaha'o" translated "The Wondrous Work." She goes on to say that the state anticipates working with the entities prescribed in this document. (See "Ka Hana Kamaha'o" Declaration; dated August 6, 2006).

David K. Roy has been acknowledged continually in Hawaii as Kahu at Kamakahonu. Records in court transcripts of the Third Circuit court, numerous instruments of communication made with David Roy and letters now addressed to Mikahala Roy, Kahu, Ahu'ena Heiau further confirm this flow of spiritual and traditional care. In this EA there is no mention of any intent to seek out what the restorer of Ahu'ena Heiau, David K. Roy, Jr. outlined for ongoing care of this most important temple for the Hawaiian people and people of the world.

The project is necessary because this landmark hotel, built in 1975, is aging, and in need of major renovations.

Comment: H.T. Hayashi and new corporation, IWF-KKH, demonstrate their inability to comprehend the words 'landmark hotel' cited above. Their movement to remove, to actually evict the non-profit Kulana Huli Honua (KHH) from its base of operations in May, 2007, serving in a continuum of care prescribed by Kahu David Kahelemauna Roy, Jr., serves to demonstrate their disrespect, irresponsibility and acts of disharmony toward Kamakahonu.

Furthermore, construction equipment shall be kept in good working condition to minimize the risk of fluid leaks that could enter runoff and groundwater. Significant leaks or spills, if they occur, shall be properly cleaned up and disposed of at an approved site.

Comment: It would be well for IWF-KKH representatives to move to restore open and respectful communications with the current and traditional members in care of Ahu'ena Heiau. This will only enhance the status quo of turbulence. Participants here are well advised here to communicate with the Kahu of Ahu'ena Heiau regarding any proposed activity. The locations of required on-site areas and implemented BMPs - such as for barrier placement, sediment pond and vehicle washing areas - should be chosen in consultation with the Kahu. Drip pans should be used underneath all vehicles parked on site at all times.

Apart from minor construction-phase visual impacts, the project will create a more visually appealing structure and grounds. While it should be recognized that the reconstructed features of Ahu'ena House and Hale Nana Mahina'ai may no longer hold archaeological significance, they hold great cultural significance for modern practitioners.

Comments: The choice to make the above-mentioned statements makes it clear that the present owners and perhaps other state agencies have enormous misunderstandings of cultural and spiritual reality. By inclusion of the map of Henry K. Kekahuna, describing the lands now occupied by Mr. Paul Allen and Big Surf Trust, we know that sites of great importance to the whole identity of the first Capital of the Hawaiian Kingdom are located upon Mr. Allen's occupied property. Indeed, present planners, hotel owners, archaeologists and all concerned might NOT have had this reference to learn from had it not been brought forward by members of Kona's public to the Kahu of Ahu'ena Heiau. In June of 2008 when Mr. Allen began to remodel the earlier Thurston home without permits, calls of concern were made to the Hawaii County Planning office. One of the results of these actions was that the County requested to retrieve this map from the Kahu. This work of Kekahuna was unknown by SHPD, by the archaeologists involved and any property occupants at the time this EA was begun. To this day, the sound of jack hammers at Kamakahonu brings trepidation to all the spirits of that place.

I do not know how hotel owners could have authorized the statements made above. To authorize them is to align with inexperienced students of Hawaiian history, not experts in the least, who do not realize and have not studied the details of the first restoration of Ahu'ena Heiau conducted in the mid-1970's. (Please see records of restoration; Kahu David K. Roy, Jr. – Halau No'eau Kahelemauna).

The statement made that the Ahu'ena House and the Hale Nana Mahina'ai may no longer hold archaeological significance, they hold great cultural significance for modern practitioners is an abomination. The statement reflects great disrespect on the part of the hotel toward modern practitioners. It confirms their ignorance of ongoing traditional practices of 'Oiwai. Now, by evidence found in the Kekahuna map of the former Thurston estate, there is confirmation that the lands between the restored Ahu'ena Heiau and existing Ahu'ena Heiau on Allen's property is all sacred portion of the entire enclosure (pa ali'i) of King Kamehameha and the chiefs before him. Revealed for all to see is the reality that this place should not be the locale for commercial activity or a bathroom. The only presence there should be the serene quiet this place requires for life. Restoration of 'Opae'ula'ula is necessary. Further archaeology is required in the whole of Kamakahonu including the lands now occupied by Paul Allen.

All of the area proposed for active work as part of the actual renovations of the Hotel has previously been disturbed as part of the various activities in the past, and this area is all in active use as part of the Hotel and its grounds today.

Comments: The occasion of this work brings mighty opportunity for revisiting the entire significance of Kamakahonu and what was once the entire first capital of the Kingdom of Hawaii under Kamehameha the Great. It brings great opportunity to identify the treasure that IS the present National Historic Landmark and explore the potential for expansion of those present parameters for just cause.

In the contested case against the landowner Wayne Blasman at Keolonahihi, Kulana Huli Honua queried Kahu David K. Roy, Jr. "Are sacred properties deemed disturbed void of their sacredness?" His answer was "No." Another question asked of him was "can mana be caused to be lessened at a site?" His answer was "yes, mana can be caused to depart by actions of disrespect, disregard and physical and spiritual desecration."

In order to avoid impacts to the existing features of Kamakahonu, all these features need to be protected against impacts during the proposed renovation...by measures such as temporary fencing, contractor education and monitoring which should be developed in coordination with Ahu'ena Heiau, Inc. and other concerned parties.

Comments: To avoid impacts, full collaboration and consultation needs be initiated with the Kahu of Ahu'ena Heiau. There are two non-profit organizations that have been formed to support the care of Ahu'ena Heiau as guided by Kahu David Kahelemauna Roy, Jr. They, by their mandate and by their subject inheritance, are to continue to uphold the customary care of Ahu'ena Heiau by the Kahu of Ahu'ena Heiau, the spiritual and physical guardian of Ahu'ena Heiau. They are to collaborate with the Hawaiian people and the greater public in Hawaii. Kulana Huli Honua has strong record of such participation since our formation in service.

It is furthermore recommended that the Hotel, in cooperation with historical and cultural groups, undertake to educate visitors and kama'aina alike about the significance of Kamakahonu. Finally, to the greatest degree reasonable, the Hotel ownership should ensure access to Ahu'ena by cultural practitioners during the proposed renovation.

Comment: It is hereby recommended that the Hotel immediately seek to remedy the serious breach of traditional spiritual protocol at Ahu'ena Heiau and Kamakahonu that results in upheaval of the lands and people of this place. By respect of the mana'o given in guidance for this temple by its Restorer, Kahu David K. Roy, Jr., mana, restored or true of our sacred properties CAN depart. Disrespect, borne of missions toward protection of business concerns over spiritual concerns, motivations in half-heartedness lead all human kind down a path of destruction of spirit.

What does the word 'reasonable' mean to a hotel that has demonstrated lack of integrity thus far? How may the public trust the Hotel to conduct this assessment term "reasonable" by the truth of past actions? In his comments made in the Kealakekua courtroom of Judge Ronald Ibarra of the third circuit court supporting the spiritual significance of Ahu'ena Heiau, George L. Na'ope testified that he will go to Ahu'ena Heiau at all times of the day or night to conduct prayer.

Submitted here please find the written testimonies prepared by Loea Hawaii, George Na'ope, charter board member of KHH, Moke Kupihea, Darlene Ulalia Berman, Stanley Kaohuokalani Huihui, Lanikai, L. Nuuhiwa Ching, Kimo Pihana, Kaleo Kualii and others offered in support of the sanctity and need for protection of Ahu'ena Heiau and Kamakahonu.

TESTIMONY OF
GEORGE LANAKILAKEIKIAHIALII NA'OPE,
LOEA HULA, HULA MASTER
MASTER IN HAWAIIAN TRADITIONS

MEMBER, BOARD OF DIRECTORS
KULANA HULI HONUA
75-5660 Palani Road
Kailua-Kona, HI 96740

The Hula and other aspects of the culture of Hawaii is alive. Traditions here have been carried down by great masters, generation to generation. No books have what the chants can tell us. Chants and the practices in chanting are the enduring links to our past based in our 'olelo makuahine, mother tongue of these islands of Hawaii. Early dances were utterly sacred and held special place in the conducting of our ceremonies. Later, they tell of historical time periods, of events in history, locations of those events and of great figures in our history. It is said, "i ka 'olelo no ke ola, i ka 'olelo no ka make", "in the word is life, in the word is death". The wealth in our oral traditions, then, is the backbone of our practices which reflected the relationship of Hawaiians with our Creator and with the world around us. They show how we defined and interpreted our world as "ka po'e manahune".

Hawaiian poetry reflected our great love of nature and all her aspects. It is E.S. Craighill Handy who said in his publication known as "Native Planters of Hawaii" that in Hawaiian society, when a child was raised to be so "in tune" with all the elements of nature, and that child became an adult, there was no comparing that person to someone who had not been raised this way. Hawaiians have always been raised to be one with their surrounding environment. To hurt the environment was to hurt mankind.

The restoration of Ahu'ena Heiau was an event that will be valued increasingly with time. The spiritual and cultural activities that have been ongoing here every year since its restoration confirm that Hawaiians search their origins. Our people have suffered detachment from our "mother source", our living culture. They long to "feel" the connection to our past. Practices at sacred sites like Ahu'ena Heiau help our people become "whole" again and healthier because of this.

I participated in the blessing services prior to the restoration of Ahu'ena and in the Heiau's consecration ceremonies upon completion of the work. I take part in ceremony at the heiau as often as I'm called to of my own inspiration but most often at the request of the people of my communities of Hawaii. I, and now the kumuhula I've taught, instruct ongoing cultural practices for the dancers of Halau Hula who participate in annual Hula Festivals that we plan and carry out at Kamakahonu. Students are taught to offer ho'okupu, gifts of love, honor and respect in the continuing tradition. The Kalakaua Hula Festival and the Kupuna Hula Festival are annual events that are most often held at

Kamakahonu. Hundreds of students of hula from America and other places of the world participate each year in these events.

Again, at the request of the communities of Hawaii I have been asked to welcome dignitaries including Presidents of America and heads of countries to Hawaii. Such receptions always call for ceremony and many have I been called on to conduct in Kailua at Kamakahonu and elsewhere on our island.

TESTIMONY OF MOKE KUPIHEA
P.O. BOX 1601
LIHU'E, KAUA'I 96766

One would require a lengthy opportunity to sufficiently explain for comprehension the historical benchmark Ahu'ena Heiau is in relation to Hawaiian history between pre and post Western contact. The significance of the "keeping" of true traditions tied to this site is in itself a prize for the present Hawaiian people but to begin to comprehend Ahu'ena Heiau's importance to Hawaiian youth today and those of the future needs special expression.

The Ahu'ena Heiau stands to inspire innumerable Hawaiian writers, indeed, scholars of the future. To continue to pelt this sacred area with illegal reconstruction of the Kailua pier is not only sacrilegious and disrespectful to the Hawaiian people, by this the state is committing historical genocide by detriment to this site. Ahu'ena is the "touchstone" for the Hawaiian scholars of the future who would emerge from every island. As the "wailing wall" in Jerusalem provides connection to Jewish people and people of the world, Ahu'ena provides similar connection for her own

The issue is much larger than just a pier reconstruction. This issue brings light to the justice of the freedom to practice the faiths of the world.

TESTIMONY OF
DARLENE ULALIA KA'AI BERMAN,
KUMUHULA, EDUCATOR

P.O. Box 5166
Kailua-Kona, HI 96740

Strong concerns exist for Kailua, Ahu'ena Heiau, the bay, Kamakahonu Bay, Kaiakeakua beach, which is now the starting area for the Ironman Triathlon.

When does the devastation stop and we have our natural resources back in place? Ahu'ena Heiau reminds us daily of who we are as Hawaiians. It reminds us of how our ali'i dwelled upon our lands. And who are the State planning consultants who deem that we should change what was and is our heritage? These consultants seek the approval of the Army Corps of Engineers in their mission but fail to do the same with the "keepers of Hawaiian faith and traditions". Moreover, these planners and the state are seriously derelict in respecting the "riches" of Hawaiians past, present and future.

A natural path of waters from the mountain to the sea; rainwaters, spring waters, seawaters and brackish waters were the environment within which we thrived and maintained our lives here. Our kupuna "fed the multitudes" from the simple tidal zones in areas such as Kailua. The demolition and pile driving that is presently occurring at Kailua pier is having a devastating affect on the natural flow of water in the area. In addition, this pier reconstruction is planned to assist an industry (the cruise ship industry) which pollutes rather than enhances this God-made shoreline. No number of natural disasters; hurricanes, tidal waves, earthquakes could ever equal the destruction that occurs today of Hawaiian heritage and way of life.

Ahu'ena Heiau stands before us as a reminder of our rich past. The Heiau reminds us of a man who was simple at heart who is measured alongside other great figures of the

world in history. Kamehameha the Great brought health to his nation and his land.

Standing at Ahu'ena Heiau and gazing upward to his personal mala'ai (taro garden) which stretched from Keopu uka to Kahalu'u, Kamehameha must have deeply valued his land. Imagine all those terraced lands, today, we have none of that. Ahu'ena is among what are now regarded as "remnants" of a once thriving culture and life way of a people. It comes to mind that whenever the "Warrior-King" did anything he did it in reverence to Ke Akua (God) first. We as a nation of all peoples need to respect the simplicity of prayer; each in our own way. "Sacred" is "sacred" the world over as it is in Hawaii. We need to see this again.

All the world comes to Hawaii to see the specialness of this place through her people. When acts like pile driving occur so near the Heiau and in Kamakahonu, they not only desecrate the divine but they also destroy the "images in expectation" in the minds of visitors who come to learn from places like Kamakahonu and Ahu'ena Heiau. These are one-of-a-kind destinations in the world . Instead, they view a pier with buses and commercial activity. Commercialism is commonplace today. What Ahu'ena Heiau and Kamakahonu offer is so rare. It is "ka waiwai o ka 'aina"; true wealth in the land.

TESTIMONY OF
STANLEY KAOHUOKALANI HUIHUI

76-6185 Lehua St.
Kailua-Kona, HI 96740

The whole area of Kamakahonu has been known to me to be sacred. Throughout my lifetime, each time I visit there it has always been with great respect because I've been taught by my parents of the significance of this area. When I visit, I go in respect and always with a sense of wanting to "help" and "protect".

But today, there is no respect demonstrated for this place; for Ahu'ena our wahi pana.

Within our present society there is no respect for our kupuna, our land, ourselves. We feel as though the "powers that be" are leaving us to be a voice never to be heard.

Hawai'i's sacred places should be respected and true connections made again with the hearts of the people.

I oppose any violent pile driving here and the building of any new construction without a proper EIS. In other places where metal sheets are driven into coral bases, the land area was made "toxic". Fish became poisoned resulting from this negative impact to the land.

TESTIMONY OF
LANIKAI,
KEIKI O KA 'AINA (CHILD OF THE LAND)

I would like to start this testimony by simply saying what interesting times we are living in. Things just aren't the same as they were just a few short years ago. Why things happen the way they do is left for each of us to explore and to seek out in our own unique way. It is my understanding that this most basic question is why religion evolved. As human beings we all seem to need a place to go to look for the answers of the tough questions in our lives.

Ahu'ena Heiau has been such a place to me. Not only has it been this to me but much more. I have come to see it for what is truly is, the sanctuary of God's Divine creations. It is here that His power, what we as Hawaiians call mana, is "brought down" from the Heavens to share with God's beloved children here on earth. It is here that we attain spiritual power.

In the Hawaiian culture, there is really no word for religion. That is because Hawaiians, I feel, do not believe in separating themselves from God's Oneness, path to a full life. We simply see that everything that we do is with the essence of God's being. This is our path to a full life.

Ahu'ena Heiau is not only a place where we receive but it is also a place where we send our prayers off to Heaven in what we call ho'okupu. Ahu'ena Heiau is a teacher, it is a provider, and a protector. It is our heritage of who we are. It is simply, our sacred grounds.

The cultivation and the use of our sacred ground is a fundamental right provided by God and preserved by law. I feel strongly that the pier reconstruction instigated by the entity known as the State of Hawaii, having contracted to Hawaiian Dredging Co., Inc., is a direct threat to Ahu'ena Heiau as well as to the ecology of the bay at Kailua. This action needs to be halted immediately. Ahu'ena Heiau deserves to be regarded and venerated as a sanctuary for the indigenous people known as Na Kanaka Maoli, Ka Po'e, or the people of these islands.

TESTIMONY OF
L. NU'UHIWA CHING

76-6274 Plumeria St.
Kailua-Kona, HI 96740

I am Nu'uhiwa Ching and I'm a senior presently at Kealakehe High School. My grandfather is David Roy who is Kahu of Ahu'ena Heiau. From as far back as I can recall, I've always been learning about the traditions of our Hawaiian culture by being fortunate to be raised in a family who continually cares about our culture. My grandpa has taught me as I've participated as a crew member with those who continually work to repair thatching and structures on the heiau. Whenever the schedules have been arranged by my grandfather, I've been called to help and I'm happy to. The men are glad when I work because I'm not of heavy build and I can climb to places most can't very easily. My Auntie, Mikahala Roy, has continually asked me to participate in activities carried on since 1999 at Ahu'ena Heiau. These have included the annual celebration of our Hawaiian culture in the ceremony of Pahualiikoaoka'awaloa, the temple drum made of koa for Kamehameha I by my grandfather in 1975. The drum was named at the dawn of 2000. It was the first time in more than 200 years that a temple drum was named. I am being taught to bear the drum as I learn alongside Kimo Schuwer, the man who carries the drum in our ceremony for the most part. At the dawn of Hawaiian New Year which is near or around November 17th each year, the drum is sounded exactly at sunset as the Pleiades Constellation, known to us as Makali'i, rises simultaneously in the east sky. We conduct ceremony at Ahu'ena Heiau where dancers of Halau Hula take part and then we take the drum by kaulua (double hulled canoe) under sail to Kaloko-Honokohau where ceremonies continue there followed by an 'aha'aina (ceremonial meal) is prepared for

those who attend.

I have joined with other men of the heiau in being the representatives at my grandfather's request, when ho'okupu are given in ceremonies conducted at the heiau. I am learning to conduct myself in these ceremonies by watching those ahead of me and by following the instructions of my grandfather. In repair work with the heiau, I worked approximately a month's time intermittently throughout the year. In ceremonial tasks, I've taken part in 3-4 major ceremonies this past year. My activities have increased in number since 1999.

I am learning our culture's traditional dress and am given the chances to experience what it feels like to wear these garments. I learn by being alongside the other men who take part in ceremonies, assist in the repair and those special assistants to my grandfather who are learning all there is to know on the care of ho'okupu and similar matters. I learn of Hawaiian methods of observing the land and sky by my grandfather and the men who are either teachers or who are learning about those things too.

I was able to go with my grandfather when he visited Hana. There, he was asked to help the 'ohana of Heiau Hale O Pi'ilani establish care to their site building on the experiences and knowledge gained when Grandpa restored Ahu'ena Heiau. It was valuable for me to go there, meet the people I did and to see that place. My great-grandmother on my Grandpa's side is from Hana, too.

The work on the pier is disruptive to the normal peaceful condition of Ahu'ena Heiau. The sounds of the pile driving are disruptive enough to the activities that go on at the Heiau but greater is the injury of the sacredness of this place that pile driving causes. Please cause peace again and allow me and others like me to learn of the very sensitive ways of our Hawaiian faith and culture.

TESTIMONY OF
JAMES KEALII PIHANA,
MAUNA KEA

Aloha,

My name is James Keali'i Pihana and I am a native born Hawaiian. Both my parents are native born Hawaiians and my geneology proves it as such. According to protocol from my Kupuna (Elders), I've also become a Hawaiian cultural practioner and protector. Pu'u Kohola is still the first house of government for Kamehameha the Great, and the Hawaiian nation.

In Kailua-Kona a historical site known as "Ahu'ena", the burning altar - in reverence of the death of Kamehameha the Great. This was the final residence before his death.

I have conducted and participated in numerous ceremonies at Ahu'ena, celebrating many events throughout the years. Ali'i Mauna Roy has dedicated a lifetime to restore Ahu'ena and to preserve the sacred site of our King. The word "repair" on the Kailua boat Pier should be better defined according to state historic preservation statutes and regulations.

Mahalo Nui Loa,
Alii Kimo Keali'i Pihana

TESTIMONY OF
KALEO KUALI'I

P.O. Box 99
Kailua-Kona, Hawaii, 96745

As a kama'aina child of the lands of Kona; growing up in and around Kai'elua, you cannot think of Kai'elua and not see its significant cultural sites. Ahu'ena Heiau, Kamakahonu, Hulihe'e Palace and even Mokuaikaua Church mark specific historical times and eras and also turning points in the history of Hawaii nei. Anything that affects any one of these sites, physically or spiritually effects our culture and her people.

Whether you are Hawaiian or not, these sites and many others such as Keakealaniwahine's Residence and Keolonahihi at Ka Lae O Ka Moa are intricate facets of our amazing culture and her beautiful people. As advanced as we are with all the technology at our fingertips, we seem to have forgotten our forefathers' accomplishments, that brought us to this point in our lives. Our Kupuna adapted to their surroundings blending in harmony with nature and the elements. Never forgetting always protecting their history, culture and people. Today we must adapt, blend and above all, protect our historical, cultural and spiritual wahi pana.

TESTIMONY OF
REYNOLDS NAKOOKA KAMAKAWIWO'OLE

Honoka'a, Hawaii

I exercise my spiritual connection to Ahu'ena Heiau whenever I feel the need to and I go there when I'm called to do so. My spiritual connection manifests my connection to the royal family of Hawaii. Every Kamehameha Day, I've made it a regular practice to go to Kohala to the ceremonies there and then back to Ahu'ena Heiau. My understanding of the Heiau involves the connections it has to other sacred sites in Kailua.

Spiritually, I've done work at Mauna Kea, in Waipi'o Valley, Mo'okini Heiau and in other places in Kohala such as Holomoana Heiau, in Hana at Hale O Pi'ilani on Kaua'i at Ke'e as well as at Nanmadol in Ponapei in Micronesia. I've worked away from Hawaii as well in Washington and Colorado.

I've spent many occasions staying at the King Kamehameha's Hotel and there I have always felt his presence. Kamehameha the Great taught spiritually here. He protected this site and the environment.

Never, has the land been considered by me separately from the ocean.

Part I: Project Description, Location and Environmental Assessment Process

1.1 Project Location, Description and Ownership

IWF-KKC, LLC (the Hotel owner”) proposes to renovate King Kamehameha’s Kona Beach Hotel and its grounds...

Although no historic properties or their features would be affected by the project, preparation of an EA is required because a portion of the hotel is located on a 1.616 acre parcel (TMK 7-5-006:032) that is listed on the National and State Register of Historic Places.

Comments: Naluahine Ka’opua was present when the Department of Interior of the U.S. made their way to Kamakahonu to begin the process to impart their designation of National Historic Landmark here. Naluahine Ka’opua is my Tutu, the man who spent time with my father, David K. Roy, Jr., and who made it possible that we all know the names of our significant lands and sacred sites. I sat on his lap at my first year celebration of life. Knowing him as well as my father and my family did, there is no chance that he would have referred to all of Kamakahonu as *not historic*. The wording expressed above is highly incorrect. All of Kamakahonu, known parameters of the Landmark and lands yet undesignated, are of sublime importance to the sacred story of Hawaii and quite *historic*.

3.2.2 Cultural and Historic Resources

A cultural impact assessment (CIA) which also dealt with the issue of potential archaeological resources was prepared by Rechtman Consulting.

Comments: If a culture’s core, the traditional faith of its people, is not represented in a cultural impact assessment at a wahi kapu of the high significance, then that assessment fails to address its primary mission. The CIA of this EA at Kamakahonu fails to address its primary mission. The CIA insults the Hawaiian people, let alone the gods and the ancestors of ‘Oiwi by its brevity and lack of depth and substance equal to the reality of Kamakahonu. In order to examine the nature of these subjects in deep lore of the culture of ‘Oiwi, workers of proficiency must be equal to the task. But the organizers of this CIA and EA, not the participants, reveal themselves to be outsiders of Hawaiian culture unwilling; or at least unable, to go inside. They refuse to acknowledge the separate and unique treasure – Kamakahonu, which is the subject of this EA. Kamakahonu and Ahu’ena Heiau, with the new lands in survey occupied by Paul Allen, present the example of a restoration that is a pinnacle of effort of ‘Oiwi in their homeland – a guiding light for generations to come.

Given the magnitude of inadequate findings and based on the comments submitted, we assert that the Draft Environmental Assessment for King Kamehameha Hotel Renovations falls short of any true representation of Kamakahonu, sacred land. Further, this EA is incomplete, disrespectful to the dieties of Hawaii, to the ancestors of ‘Oiwi, to ‘Oiwi and to an enlightened public of Hawaii and the world.

THE RED SEA OF KAI(A)KE(A)KUA

OLA MAU 'O AHU'ENA HEIAU

Mikahala Roy, Kahu, copyright

KAHE KA WAI A KANE, KANI KA PAHU O LONO

Ola Ka Hale O Lono O Ka Mo'i, (the Hale O Lono of Kamehameha lives). Since the spirit of Ahu'ena Heiau was revived by 'Oiwī in the mid 1970's, the first capital of Hawaii is alive at Kamakahonu. It is from that pool of life that I speak in order to protect, defend, confirm and perpetuate the life of Ahu'ena Heiau as a place of worship for Kanaka Maoli and others who come. Forever may this Hale O Lono have life. This is the Hale O Lono consecrated and dedicated to Lono by Kamehameha the Great before his passing in 1819. This is the Hale O Lono rededicated to Lono by the priests of the Temple of Lono and the people in August of 2007.

The restorer of Ahu'ena Heiau, David Kahelemauna Roy, Jr, was faithful to his spirit.

A teacher well versed and accomplished in the history of Hawaii and of Kamehameha I, the leader he referred to as his "role model", Roy sought guidance from the ancestors and His Source for this task. A builder and fisherman, he was equipped with familiarity of the physical requirements to restore the personal Heiau of the King. Only he can speak on the Source of his Guidance. I, with him all of my life, will tell you that he has said, "I built the Hale Mana so the gods would have a place to come home." The heart of the Hale O Lono is kept in the faith of the Temple of Lono; it is **breath** itself, mauiola – it is a **way** of life, Hawai'i Pono'i.

In the late nineties, a contingent of Pacific spiritual leaders arrived at Kamakahonu. Their spirit quest was to connect with certain sites of the lands of Hawaii and more – to connect with the established families of the land. Ahu'ena was one of the land places they chose and my family was the one they met there. It was long after sunset one night when my father dispatched me to Ahu'ena Heiau to greet them. I returned to tell him of this extraordinary visit from our Pacific 'ohana. He called my whole family to get off of work the following day in order that we greet them and honor them appropriately. That occasion was filled with joy – many chants were exchanged, stories were conveyed and gifts given to Ahu'ena Heiau and to 'Oiwī O Hawaii.

Then, there was a time when a young man arriving with a visiting school group from another island, asked to see the Kahu of Ahu'ena Heiau. During the talk in this visitation, I mentioned the red fish. On my speaking of the coming of the 'alalauwa (baby 'aweoweo) during a vigil held to protect Puu 'Ohau in Kona, this man announced his request. It happened that Kahu Kahelemauna Roy was there that day and we all gathered to meet. This man, named *Kahiki*, faithfully completed a mission of love that day. *Kahiki* was asked to bring the 'iewe of a newborn of Oahu to Ahu'ena Heiau. Part of this child's name was 'alalauwa, as he was born at the coming of the red fish of the people's vigil in protection of Puu 'Ohau. These facts confirm the demonstration of the continuing customs of 'Oiwī. The request of *Kahiki* came from the father of this baby who was unable to do this himself. Baby's father had recently left Hawaii with a military tour to Iraq. *Kahiki*, his relative, was asked to fulfill this special request. *Kahiki* spoke with the Kahu, explained everything and at length was given Roy's permission to go upon the Heiau. This baby is of the bloodline of the chiefs who have lived here. The Kahu, following spirit, told him exactly what to do. For centuries, our people have practiced placing the piko and 'iewe of their special children at places in connection and importance to their families. Now you will understand some of the inspiration that came for creating the Oli Komo No Ahu'ena Heiau.

Ku'i Ka Lono ~ Spread the News!
Copyright, By Mikahala Roy, Kahu, Ahu'ena Heiau

Aloha! My name is Mikahala Roy, Kahu of Ahu'ena Heiau at Kamakahonu. Since August of 2007 when many helped to convene the "Hoowehewehe", the two-day long ceremony meaning "The Opening", we've experienced many new occasions that have caused growth and learning in our own lives. "Hoowehewehe" opened Ahu'ena Heiau to the communities of Hawaii and rededicated the temple in our time in a manner acceptable to the ancestors.

Since that occasion, relationships among men and women have been "opened". The search for true traditions of 'Oiwī continues met by modern people who desire to reinvent traditions, who care not to connect to the traditions established at Kamakahonu by those who restored this temple. The historic restoration of Ahu'ena Heiau in 1974 will be the subject of history books and other stories in years to come. This - because it was the first restoration of a Heiau and restoration of the traditional practices of 'Oiwī at that Heiau. Ahu'ena Heiau is a restored, traditional and living Hale O Lono. It is a wahi kapu (sacred place) where sacred ceremony and practice takes place continually.

The property formerly called the Thurston Estate, now occupied by Paul Allen, has been "opened" by the sharing of a map created by Henry K. Kekahuna of that land place. Ua ho'ike 'ia, it has been revealed that this acreage is not only connected to Ahu'ena Heiau, it is a part of an entire Pa Alii, Royal Residence, of King Kamehameha I.

8/18/07 – 8/19/07

Hoowehewehe

On Saturday, the first day of the historic and astonishing event named the "Hoowehewehe" at Kamakahonu in Kona, a gifted One imparted information. It was said that Kamehameha and many, many other ancestors and relatives of we 'Oiwī were on their way and that they'd be at Kailua bay soon. It was also reported that the 'Aha Alii was present.

The 'Oiwī further cried, "they left Puuhonua earlier on this day and are arriving in peleleu of our own canoes. Look, see them now, there are so many ancestors in so many canoes that "you cannot see the ocean beneath them!"

Kai Hali'i No Na Kupuna
(The sea that served as the threshold for the Ancestors)
Na Mikahala Roy 8/07

Mahalo a'e ana makou e
I ka 'oni mau o na me'e
Na 'ohana pili pa'a e
Ia Hawai'i kua uli

We give thanks
To the ongoing movement of the heroes
The families that cling steadfast
To Hawaii, land of the verdant countryside

Uliuli kai hohonu e
Hali'i no na kupuna
Ho'ea mai ke kai au loa mai
Ke alo o ka 'aha

Deep blue were the ocean depths
That became a moena for the kupuna
Who arrived from distant seas
The presence of the assembly

Ka 'aha kanaka e
Ke Akua Hawaii ko aloha
Ka 'ohana o Keaopuka e
Na mea hoopale ia Pele,

The Kanaka Council,
Beloved Hawaii of God
Keaopuka 'Ohana
The Defenders of Pele

Na Kahuna O Lono e
Na mea o ka Hui Pu,
Na 'oiwi me ka po'e o ke ao e
Ho'ea pakahi i ke aloha

Priests of the Lineage of Lono
The Members of Hui Pu
Natives and people of the world
Arriving one by one in love

Aloha na kupa o na moku e
Na mea i hiki mai ia Hawaii
Kaua'i o Mano, 'O'ahu e
Moloka'i, Maui nui a Kama,

Beloved are those native to the islands
They who came to Hawaii
Of Kaua'i of Mano, Of 'Oahu (of Lua)
Of Moloka'i of Hina, Of Maui of Kama

Na Kama i ka huli alo e
Na pua o ka milenio
Ke Kulana Huli Honua e
O Na Mea 'Imi Hoonaauao

Children of the turning tide are we
Children of the millennium
Our destiny is the authority
Of those who seek enlightenment

A'o 'ilioholoikauaua e
Hilina'i i ke aloha
Kahu lakou ia makou e
'O makou no e ka Mu

The teaching of the monk seals
To trust love
They have been our guardians
We are the Mu

Ha'ina 'ia mai ka puana e
O ka la o ka mahalo nui
Na kai 'ewalu e
Hali'i no na kupuna

The refrain is told
Of the day of the great gratitude
When the seas of all the islands
Became the moena for the ancestors

Ha'ina hou mai ka puana e
O ka la o ka mahalo nui
Ka 'oni mau o na me'e e
O Hawai'i kua uli

The refrain is told
Of the day of the great gratitude
(For) the ongoing movement of the Heroes
Of Hawaii of the verdant countryside

Kaulana ka malu o ke ala 'ihi a ka 'I
Copyright, Mikahala Roy, Kahu, Ahu'ena Heiau

The beat of the drum to honor Lono is beating once again, loud and strong. It is the beat the land knows. The land has heard and felt it for generations. The land has heard new sounds, even new sounds of reverence such as the gongs of Buddhist, Hindu and Tibetan temple worship and the bells of Christianity. Jewish traditions are honored here by their followers.

Kahelemauna Roy, for 'Oiwī, restored a temple of Lono in the mid-seventies. It was Ahu'ena Heiau, the same temple re-dedicated to Lono by Kamehameha the Great himself. In that rededication, Kamehameha forever put an end to human sacrifice in Hawaii. Declared the first capital, it was at Kamakahonu where, the Hawaiian Kingdom flag first waved.

One hundred and thirty years following the rededication of the personal temple of the King, Kauaka'iakeola Heiau of Kona was "restored", by the priests of Hawaii. Almost 50 years after that, Ahu'ena Heiau was "restored" to an even greater degree by the priests of our day; attended and cared for once again.

A "Hoowehewehe" ceremony held in August of 2007 re-dedicated Ahu'ena Heiau to Lono in the fashion acceptable to our ancestors. The following can be said regarding this temple and others to be restored. The whole of it from thought to physical creation was, is and will be in the safe-keeping of God and the 'Oiwī of the land.

Kaulana ka malu o ke ala 'ihi i ka 'I,
Famed is God's keeping of the sacred path.

Welo i ka 'Aina copyright: 12/07/08
Progeny that Streams Upon the Land

Na: Mikahala Roy
Kahu, Ahu'ena Heiau

Kamakahonu e	Kamakahonu
Aia i ka la'i	In the calm
Loloa ka mahana e	Where for a long time
I na 'ohua	Warmth has been given to the families

Ahu'ena lua e	The two Ahu'ena (Heiau)
Aia i ke kapu	There in the sacredness
Hale Nana Mahina'ai e	The House to See the Garden
Kapitala mua	Hawaii's first capital

'O Kuaheua e	The Garden Kuaheua
Aia i ka ua	There in the rain
Ko'ele kaulana e	Famed dryland Garden
O Kamehameha	Of Kamehameha

Lae O 'Ahu'ula e	Lae 'O Ahu'ula
Aia i ke kai	There in the sea
Po'ipo'i Tai'erua e	Cresting waves of Tai'erua
Pa O Kahelemauna	The residence of the Mountain Roaming Chief

Ha'ina ka puana e	The refrain is told
Poina'ole	Unforgettable
Welo i ka makani e	Ancestry of Hawaii streams in the wind
Welo i ka 'aina	Progeny of Hawaii streams with the land

PA:

<i>'Ihi 'Ihi</i>	Holy
<i>Kapukapu</i>	Sacred
<i>Welo i ka 'Eka</i>	Ancestry streams in the 'Eka wind

<i>'Ihi'ih</i>	Holy
<i>Kapukapu</i>	Sacred
<i>Welo i ke Kehau</i>	Progeny streams in the Kehau wind

<i>'Ihi'ih</i>	Holy
<i>Kapukapu</i>	Sacred
<i>Welo i ka makani</i>	Ancestry streams in the wind

<i>'Ihi'ih</i>	Holy
<i>Kapukapu</i>	Sacred
<i>Welo i ka 'aina</i>	Progeny streams upon the land

Frank Kamealoha Anuumealani Nobriga
Kahuna, Temple of Lono
P. O. Box 419
Volcano, Hawai'i 96785
January 12, 2009

The Chief Justice
Associate Justices
The United States Supreme Court
Washington, DC 20543

Re: State of Hawaii, et al. v. Office of Hawaiian Affairs, et al., No. 07-1372

This letter is sent to place this Honorable Court on notice that the Temple of Lono, an ancient Hawaiian religion, is an essential party in the above referenced case and unrepresented before the court. No party in this case can legally represent the Temple. Nor can the Temple be compelled to enter this case. Under these circumstances, the appropriate response is to dismiss this case for lack of jurisdiction.

A detailed presentation of the context, the substance, and the implications of the Temple's claim is presented in the attached document.

The Temple's religion and spiritual practices elevate the staff of life as the central focus and the preservation of that staff of life for seven generations as the primary kuleana (obligation).

For thousands of years, the Kahunas of Hawai'i have prayed for the success of the trust placed in the Hawaiian people to take care of (malama) the 'āina – the land, the sea, the air, and all the creatures therein. In these perilous times, the Kahuna rises each day to greet the Sun with prayers for abundance and protection for the life of the land. The concern runs deep.

Those who have usurped that trust function are unconscious and treat the Earth as a resource base and a trash can. The damage inflicted is immense and has placed the Natural World in a state of severe imbalance. The same pattern can be seen worldwide.

The Hawaiian people simply want restoration of their trust responsibility for these islands, so that they may use their powers and wisdom to restore and rejuvenate the Natural World and provide sustenance for the Humans living here.

The Temple of Lono asks this Court to acknowledge the existence of the Temple, the authority and role of the Temple within the original Hawaiian civilization (sovereignty), and the legal rights that emanate from that existence and historical kuleana (responsibility). The Temple further asks this Honorable Court to recognize that the Temple's rights and interests are not represented in this case and cannot be represented by the existing parties. Finally, the Temple asks this Honorable Court to recognize that,

in the context of Hawaiian history, the Temple, as a sovereign institution, is not under the jurisdiction of the United States. The Temple cannot be a party to this case unless the Temple explicitly waives its sovereign immunity, which it does not.

The acknowledgement of the Temple of Lono in no way negates any other religion or spiritual practice. All religions are welcome to participate within the Pu'u'honua, once the Temple of Lono spiritual land base is restored, as long as they follow the practices meant to preserve the people for seven generations into the future.

If this Honorable Court does not acknowledge our religion and spiritual practices, then this Court will follow in the footsteps of those who have suppressed our religion for more than one hundred years.

By copy of this letter, the Temple is providing notice of the jurisdictional issue to the parties in this case. It remains to be seen whether any of those parties will bring this matter before the court. If they do not, the Temple urges this Honorable Court to exercise its inherent authority to examine whether it appropriately has jurisdiction in this case.

Aloha,

Frank Kamealoha Anuumealani Nobriga
Kahuna, Temple of Lono

c.c. Counsel of Record
Trustees, Office of Hawaiian Affairs
Governor Linda Lingle
Attorney General Mark Bennett
Hawai'i Supreme Court
President Barack Obama

The Temple of Lono Claim and Its Implications

The True Question Presented

The real question is whether this Honorable Court will get involved in legitimizing the illegal seizure of the national lands belonging to the Kingdom of Hawai'i and in extinguishing any claims the Hawaiian civilization, religion, and political system may have to those lands or whether this Honorable Court will let stand a unanimous Hawai'i Supreme Court opinion that these lands are held in trust until there is reconciliation between the Hawaiian civilization and the United States civilization.

As concerns the Temple of Lono, the question is whether this Honorable Court will acknowledge the status, rights, and interests of the Temple or cooperate in extinguishing the religion by removing the spiritual land base

The Temple of Lono Claim

The State of Hawaii, et al. v. Office of Hawaiian Affairs, et al., No. 07-1372, otherwise known as the Ceded Lands Case¹, may determine whether the State of Hawaii has legitimate title to the lands seized from the Crown and Kingdom of Hawai'i Government at the time agents of the United States Government facilitated the illegal overthrow of the Kingdom Government.

One party with an interest in the outcome of this case is not represented – the Temple of Lono. The Temple of Lono has a claim that is qualitatively different from that of any other party to the case.

The key characteristics that differentiate the claim are the context within which the claim arises and the nature of the claim.

The Apology Resolution addresses “Native Hawaiians.” While that term is not a term the Hawaiian people would necessarily embrace, the resolution clearly intends the apology to be directed to the original Hawaiian people, i.e. those who lived in the islands prior to the arrival of Captain Cook. The appropriate term would be Kanaka Maoli.²

The apology is also for the illegal overthrow of the Kingdom of Hawai'i government. The audience for that apology is not identical to the Kanaka Maoli. The Kingdom had subjects who were not of Hawaiian descent. They also lost their national identity, yet have not received an apology from the United States.

¹ The term “ceded lands” is inappropriate because the Kingdom never ceded its lands to the Provisional Government; the lands were taken without permission or compensation.

² There are those within the Hawaiian community who find even that term inappropriate. For purposes of this letter, Kanaka Maoli will be used to mean the Hawaiian people present when Cook arrived.

The conflation of the Kanaka Maoli with Kingdom subjects masks a key point of divergence. The Kanaka Maoli had a civilization unique to their islands. The attack upon that civilization began long before the overthrow of the Kingdom government. In fact, the creation of the Kingdom government was a part of the attack, displacing traditional spiritual practitioners as the highest authority over lands managed communally with a constitutional monarchy form of government eventually eliminating traditional practitioners from holding any authority and implementing private/public land ownership.

Separating the interests of the Kanaka Maoli from the interest of the Kingdom's subjects illuminates the difference in those interests and the difference in the context out of which the legal interests in this case arise.

Civilization and Sovereignty

True communication in the Hawaiian language comes in an oral tradition that requires a face to face exchange between those communicating. Body posture, hand position, facial expression, and intonation transmit the intended meanings of words in a language developed over tens of thousands of years.

This Honorable Court is based in a written tradition in which words are defined in dictionaries with the expectation that the written word will be similarly understood by each party to the communication.

Two key words in this letter are civilization and sovereignty.

The word civilization is used in this communication to encompass all aspects of an identifiable group within the Human Family. Religion, culture, customs, practices, political system, economic system, and language are all aspects of a civilization.

In this case, the two civilizations present are the Polynesian/Hawaiian civilization and the European/USA civilization.

The word sovereignty can have different meanings, depending on the nature of the civilization.

In the Hawaiian civilization, the concept of sovereignty implicated aspects of both religious worship and political power.

Hawaiians are a people of a land-based faith. Their traditional religious practices were based on the foundation of the four Gods. With that foundation, the individual was sovereign to choose the specific nature of spiritual practice. Individual practice revolved around the temples and the altars in each home.

The kahunas held the sovereignty linking the Gods to the people through the land. The Temple of Lono is dedicated to the God Lono, about which much more will be presented

below. The fundamental seat of sovereignty was the Pu'u'honua presided over by the kahuna, which will also be discussed in detail below.

Sovereignty in the Hawaiian context can best be understood through the concept of kuleana. The word kuleana translates as responsibility. Each sector of the civilization – kahuna, chiefs, and people – had a kuleana. The fulfillment of those distinct kuleanas maintained the life of the civilization and preserved the viability of the civilization for seven generations into the future. Within each kuleana, people were trained to carry out the responsibilities unique to that kuleana. In many cases, particular families carried out a kuleana passed from generation to generation. Each of the kuleanas represented a different aspect of the sovereignty residing in the civilization as a whole.

In the European/USA civilization, the word sovereignty is most commonly used only in the political context. Sovereignty in that context is both the independent and absolute power by which an independent state is governed and, in democratic political systems, the source of that sovereignty lodged in the people forming the state. In pre-contact Hawai'i, the European concept of sovereignty does not fit.

To truly address the issues raised in this case, this Honorable Court must recognize the differences in the use of the term and the implications of those differences for the proper resolution of the land issue before the court.

In this letter, the Temple of Lono is asserting its particular sovereignty, both to illuminate the absence of an essential party to this litigation and the inability of this Honorable Court to compel the Temple's presence in the case. The absent essential party argument is presented in detail below.

Frank Nobriga is an active force behind the Temple of Lono movement which began in 1971. **Their purpose is to maintain a spiritual land bank**, with temples throughout the islands. The first temple was established on Kahoolawe in 1976, having been conceived as a result of the involvement of Hawaiians in recapturing that island for civilian purposes. ... The Temple of Lono is rediscovering the elements of ancient Hawaiian religion, including a four-god concept.

Honorable Samuel P. King, United States District Court, "Hawaiian Sovereignty," Hawaii Bar Journal, July 1999, <http://wetserver.net/hawaiimatters/old/king.pdf>. (emphasis added).³

The context for the Temple of Lono claim is pre-contact Hawai'i. In that civilization, there was no land ownership. All the lands belonged to the Gods. Ku (saltwater), Kaneloa (sun), Lono (land), Kane (freshwater). The four Gods formed the Pa halau otea atua (the foundation of the four Gods). The Temple of Lono's kuleana (responsibility) is

³ The temple at Kaho'olawe preexisted the arrival of Captain Cook and was restored, not established, in 1976 by Temuela Hoopi Otarani Otamatahiti Tahuna Pari Tu Po Paki/Loon, hereafter referred to as Kahuna Sam Lono.

the Pu'uhonua, the staff of life and management of the lands with the well being of seven generations into the future as the guideline. This guideline is the Kanawai, the ecological legal system based on natural law and pertaining to both land and water usage. The kahunas of Lono were the law givers. The kahunas set forth the rules for the use of the lands and water. The chiefs enforced those rules, with the high chief being the only person having the power to take a human life. The people put those rules into practice. This system provided a self-sustaining economy that supported hundreds of thousands of people.

The knowledge of the staff of life (which is part of this covenant), Pa Halau otea atua (the foundation of the four Gods), Maiola (healing light – the knowledge of the temple), Aumakua [Huna mana (ancestral worship) – the source of the knowledge] are the origin of Hawaiian faith and religious spiritualism, based on the Pu'uhonua and its sovereignty.

The sovereignty of the Pu'uhonua Lehua at Kualoa on Oahu, Mano Kalani Po on Kauai, Pi'ilani on Maui and Hale O Keawe on Hawaii is based on their traditional importance in Hawaiian Religion, Hawaiian Culture and political history. The lands of the Pu'uhonua Hale O Keawe runs from Honaunau to the Temple of Ku at Honokohau Harbor and that Pu'uhonua is where Kamehameha the First established the Temple of Lono at Ahuena and the seat of the Kingdom of Hawaii at Kailua, Kona.

Illustrative of the meaning of sovereignty in the Hawaiian context is the oral history of the succession of Kahahana to the position of High Chief on Oahu and the attempt by High Chief Kahekili of Maui to claim the lands of Pu'uhonua Kualoa on Oahu and the Palaoa-pae (whale ivory washed up along the Oahu coastline).

Shortly after his installation, Kahahana called a great council of the Oahu chiefs and the high priest⁴ of Kaopulupulu, and laid before them the demands of Kahekili regarding the land of Kualoa and the "Palaoa-pae." At first the council was divided, and some thought it was but a fair return for the kindness and protection shown Kahahana from his youth by Kahekili, but the high priest was strongly opposed to such a measure and argued that it was a virtual surrender of the sovereignty and independence of Oahu. Kualoa being one of the most sacred places on the island, where stood the sacred drums of Kapahuula and Kaahu-ulapunawai, and also the sacred hill of Kauakahi-a-Kahoowaha; and the surrender of the "Palaoa-pae" would be a disrespect to the gods; in fact, if Kahekili's demands were complied with, the power of war or sacrifice would rest with the Maui king and not with Kahahana. He represented strongly moreover, that if Kahahana had obtained the kingdom by conquest, he might do as he like, but having been chosen by the Oahu chiefs, it would be wrong in him to cede to another the national emblems of sovereignty and independence. Kahahana and all the chiefs admitted the force of Kaopulupulu's arguments, and submitted to this advice not to comply with the demands of Kahekili.

⁴ The word kahuna is more appropriate than priest. The word kahuna means priest, teacher, or doctor.

Forander, 1969, Volume II; page 218 *cited in* the Temple of Lono, "The Innermost Knowledge of Lono" (unpublished) at 5.⁵

This history provides a window into the complexities of the sovereignty concept within the Hawaiian civilization. The most relevant historical aspect here is that the chiefs accepted the Kahuna's position that the independent political status of Oahu revolved around the sovereignty over Pu'uhonua Lehua at Kualoa. The Pu'uhonua was the seat of sovereignty. The kuleana for that Pu'uhonua rested in the hands of the kahunas.

Based on the Kanawai maintained by the kahunas, the people performed the daily work of sustaining the population. Part of the sovereignty rested in the people who implemented the laws on land and ocean.

The Makahiki season, when Captain Cook arrived, is a special time of year for the Hawaiian people. Traditionally, the season is three months in length. During that season, protocols related to status are modified or removed. The chiefs and their subordinates mix freely with the people. There are fewer kapus (prohibitions) in place regarding those contacts and fewer protocols to be enforced. The celebration reminds the people that they are all one 'ohana (community).

The God honored during the Makahiki season is Lono, the god of the land that provides the staff of life for man, whose magnetic force draws the water of life from the clouds down to earth creating an abundance of food for all living things. "Oh Lono of the air you speak in many ways, soft or wild you sound through birds and trees. Your revered music rings through waterfalls. Let us see you and let us hear you so that our source is as real as ourselves. Warm and brown and filled with seeds awaiting, may the sacred soil bring forth sweet fruit foods to strengthen and sustain us as we work. Oh Lono your face is seen in earth and rock." We reverence the land as a natural force that can give life and take life. HE RONO, HE RONO, HE ULU TA MEA AI I TA POE HONUA. The kahunas of Lono presided over the Makahiki celebration.

The Pu'uhonua was the heart of the Lono kuleana. The Pu'uhonua was essentially the back up for the entire civilization.

The Pu'uhonua was a large land area. The kahunas of Lono and Ku managed the area. The primary task was the cultivation of crops. Healing based on thousands of years of knowledge about plants, spiritual ceremonies directly connecting practitioners with the Gods and the elements of Earth, academies to teach practical skills, and other activities also took place within the Pu'uhonua.

When wars broke out and people left their homes, they would often return to find that their crops had failed. The people would go to the Pu'uhonua for replacements.

⁵ While Forander used the term "king," that term did not become a part of the political process until the introduction of non-Hawaiian political structures; the appropriate term would be high chief (Ali'i Nui).

Acknowledging the importance of the sovereignty of the Pu'uhonua to everyone, no wars were ever fought within the Pu'uhonua.

The Pu'uhonua is a sanctuary of peace where the healer and the warrior in Hawaiian thinking coexist in harmony for perpetuation of the race via the knowledge of staff of life that our four Gods provide – the Hawaiian people's covenant.

During the Makahiki season, the kahunas of Lono travelled from one land sector to the next. The residents of the land sector bring offerings of fruits, vegetables, crafts, and other products to the Lono temples. The function of the Kahuna was to evaluate the health of the people and the land.

Overall, the kahunas operating from their base in the Pu'uhonua constantly monitored and evaluated the civilization to know what measures were necessary to sustain the civilization and maintain the peace. All the functions noted above constituted the sovereignty of the traditional religious practitioners.

Captain Cook arrived during the Makahiki season and encountered this incredibly sophisticated system developed over 25,000 years in Polynesia. Unfortunately, all the Europeans perceived were uncivilized, half-clothed savages.

What followed was the systematic destruction of the Hawaiian civilization in a process that can justifiably be characterized as genocide.

The new civilization was based on a belief that a new born was tainted by some original sin, that material wealth measured merit, that pursuit of conquest and exploitation were legitimate means of accumulating wealth, and that the individual mattered more than the community.

Greed would replace sharing; private claims would prevail over the general welfare of the community and the protection of future generations; and the 'aina (life of the land) and the kai (life of the ocean) would be reduced to no more than a resource base and a trashcan.

True freedom of religion, based on a common honoring of the earth and expressed by each individual and family in their own way in their own home, would be replaced by competing religions claiming superiority and preaching exclusivity, united only in their common goal of destroying the traditional practices.

All the civilized values of the Hawaiian way of life would be supplanted by the barbaric practices of the immature civilization. Those practices amounted to a campaign of genocide against the Hawaiian civilization.

The first act of genocide was the introduction of devastating diseases. Knowing that the sailors and immigrants would expose the indigenous people to diseases for which the indigenous people had no immunity, the foreigners made no attempt to limit contacts or

otherwise protect the indigenous people. The result was a major reduction in the indigenous population that served the purposes of imperial expansion.

The Europeans provided Kamehameha I guns to unite all the islands under one "King." That set the stage for the later seizure of the entire nation by the act of seizing the monarch.

When, through conquest, Kamehameha became high chief over all the islands, he also became the protector of the traditional religion of the Hawaiian people and established his Temple of Lono at Ahuena as the seat of governance and religious sovereignty.

The merchant/missionary group, through the American Board of Commissioners for Foreign Missions, set about to convert the Hawaiian political leadership to Christianity and destroy the sovereignty of the traditional practitioners, acknowledged by Kamehameha I when he established the Temple of Lono at Ahuena within the Pu'uhonua Honaunau.

After Kamehameha I's death, the missionaries converted the Hawaiian chiefly group to Christianity and taught the new converts that the traditional practitioners were agents of the Devil. Incited by the missionaries, the Hawaiian Christians hunted down and killed the Kahunas, who carried the traditional wisdom. This internal war led to a holocaust at Kaloko. Queen Ka'ahumanu sent her Christian Hawaiian army into battle against Hawaiian traditionalists. Tens of thousands of people died. The Christian Hawaiian army prevailed.

At that point, the traditional practitioners completely withdrew from society and took their practice into the privacy of their homes. When they went out into the world, they did so as fishermen and farmers. The Temple of Lono spiritual practices survived by being passed from Kea Kea to Mahealono to Sam Lono to Kamealoha Anuumealani Nobriga.

The history of religious persecution and suppression is quite extensive. That persecution destroyed the foundation of the Hawaiian civilization and has denied the Hawaiian people the true history of their religious practice.

The missionary descendants insinuated themselves into positions of influence within the Hawaiian government, feigning friendship to the indigenous leadership while they conspired to dispossess that leadership of their national identity and lands. The concept of property ownership was introduced in order to lay the foundation for ultimately stealing the property.

During the period of the Temple's absence, the genocide continued.

The destruction of the traditional land management system, including the Pu'uhonua, opened the way for introduction of public and private land ownership.

The missionaries convinced the Hawaiian Christians to pass laws making illegal many of the religious, social, and cultural practices at the heart of the Hawaiian civilization. Ancestral worship, the hanai system in which children were often given from one family to another to be raised, and other key elements of the religious and social structure were forbidden. The hula was outlawed. Speaking Hawaiian was forbidden in the schools.

This systematic suppression of the Hawaiian civilization continues today with developments being built on burial sites, destruction of sacred sites, desecration of the 'aina (the land), and other acts of deliberate disrespect directed at the vestiges of Hawaiian civilization. At this time, the Temple of Lono at Ahuena is being assigned to a non-profit organization, which has no connection to the Temple of Lono, in order to convert Ahuena into a historical site, not a living religious institution.

This case brings that genocide to its pinnacle. Taking away the lands of Hawai'i and giving them to the State of Hawaii will destroy the physical foundation of the Hawaiian civilization and break the religious tie of the people to the 'aina. The maintenance of that connection is the essential kuleana of the Temple of Lono and the essence of the Temple of Lono religious practice.

If the Temple of Lono were present in the case at issue, the Temple would argue the following:

- The essence of the Temple's religious practice is to connect the four Gods (Pa Halau O Tea Atua) to the people through the land; Hawaiians believe that without these four elements, there is no life.
- In that practice, the management of the Pu'uhonua lands is a religious custom that requires jurisdiction over these lands.
- The management of the lands was stolen through a policy of genocide in which one policy component was directed at Kamehameha the I and the Hawaiian Religion and entailed the destruction of the role of traditional religious customs and practitioners in public life.
- The destruction of the traditional role of religious practitioners paved the way for the introduction of the property ownership concept; after the death of Kamehameha I, the first thing Reverend Thurston did was destroy the Temple of Ku and Temple of Lono at Ahuena and built his homes on these sacred sites.
- The persecution of traditional religious practitioners, the destruction of the traditional religious practitioner role in the society, and the replacement of the traditional non-ownership of land with ownership, led the Hawaiian political leadership to embrace the foreign economic practices, including those related to land ownership.
- The genocidal policy then implemented the overthrow of the Hawaiian political leadership, specifically with a goal of annexing the islands to the United States and carried out with the complicity of United States officials and military personnel.
- The genocidal policy now seeks to extinguish all land claims by the Hawaiian people by declaring the "ceded lands" as belonging to the State of Hawaii.

- The United States government will not recognize the Kingdom of Hawaii government as still existing and, therefore, will not let the Kingdom of Hawaii come before the United States Supreme Court to argue for title to the lands; the interests of the Crown and Kingdom Government are not represented in this case.⁶
- The abolition of the Crown and Kingdom Government abolished the institutions through which foreigners had implemented their property ownership system.
- The acknowledgment that the overthrow was illegal and the argument now that the stolen lands can legitimately be taken anyway destroys the essential legal basis for all property ownership claims; legitimizing land ownership achieved through theft removes the legal foundation from the ownership system.
- OHA claims to be representing the Hawaiian people and makes its claim based on the limited nature of the Apology Resolution interpretation by the Hawaii Supreme Court.
- That limited interpretation only found that the Hawaiian people have a *potential* interest in the lands at issue, which should be resolved within the reconciliation process called for by the Apology Resolution.
- OHA cannot represent the religious interest in the land asserted by the Temple of Lono; the Temple of Lono practitioners are not cultural specialists; they are religious practitioners; OHA cannot speak for the Kahuna because OHA lacks the authority from the Kahuna to do so and because OHA is an agency of the government foreclosed by the First Amendment from representing a single religious entity.
- Specifically, the Temple of Lono would argue that the United States government, by cooperating with and facilitating the overthrow of the Kingdom government and subsequently granting recognition to the provisional government, extinguished the rights of the Kingdom of Hawai'i within the United States legal system, creating a vacuum in land management.
- The provisional government and all subsequent claimants to the lands at issue base their claim on the original unlawful overthrow and, therefore, none of those claims are legitimate.
- The Temple of Lono is the only traditional religious practice that has emerged from the darkness of oppression.
- The Temple of Lono has a claim to all the Pu'uhonua lands as part of the Temple's religious and customary practices.

⁶ The Temple is aware that international lawyer Francis Boyle once brought a case to this Court on behalf of the Kingdom. Mr. Boyle filed his papers and paid the filing fee.

The Clerk of the Court returned the papers and the fee.

As the Temple understands, the Court contacted the United States Department of State to inquire whether the United States recognized the Kingdom of Hawai'i. The State Department replied that the United States did not recognize the Kingdom. As a court within the United States system, this Court could not acknowledge a government that the United States refused to recognize. The Court, therefore, ordered the return of the papers and the fee.

Denying access to United States courts for a government illegally destroyed by the United States because that government is not recognized by the United States is certainly an irony that is not lost on this Court. When the bar to participation forecloses the Kingdom from challenging an attempt to take away the land basis for Kingdom sovereignty, the irony becomes tragedy. Nevertheless, the Temple understands that the United States legal system allows for such an illogical and immoral position to prevail.

- The Temple's claim falls under the first Amendment to the United States Constitution.
- Restoring the lands to the administrative jurisdiction of the Temple of Lono is the only resolution of the land question that is untainted by the genocidal policies and truly provides a foundation for restoration of the nation.

As the Apology Resolution and the Hawai'i Supreme Court recognized, the land is the spiritual, cultural, and economic foundation of the Hawaiian civilization. Removing that foundation destroys the civilization.

The United States military; the transnational corporations, who treat self sustaining communities as the enemy; the land speculators; and the political servants of empire exploit Hawai'i for their agendas.

However uncivilized the new comers, the hope always existed that the haoles (foreigners) would some day learn the true meaning of the heiau temples. The sheer patience of the Hawaiian people is the most remarkable element in this entire story. That patience is founded in their continuing belief that the temple is the only pono (proper, righteous, aligned) path for Human interrelationships with the land.

The lands of Hawai'i are the unique location for the expression of the original Hawaiian civilization. Just as the Jews maintained their claim to certain sacred lands while exiled for 5,000 years, the Hawaiian people live as internal exiles with the spiritual foundation of their civilization still suppressed and their sacred lands still occupied by a truly foreign civilization. While the occupiers have abolished the foreign model of government imposed on the Hawaiian people (the constitutional Kingdom of Hawai'i), the legitimate expression of that original civilization still exists in the Temple of Lono and the traditional structure (Kahuna, Chiefs, People) can be restored on that foundation.

The interests of the Temple of Lono are not represented in this case.

OHA, as an institution of the State government, cannot represent the interests of the Temple of Lono because the Temple's interests are founded in religious practice. OHA has placed all religious temples under "historical preservation." This religion is still alive.

Nor can any other party to the case legitimately represent the Temple's interests because none are authorized to do so by the Temple.

As an institution representing the sovereignty of the pre-contact Hawaiian civilization, the Temple of Lono is outside the jurisdiction of this Court and cannot be compelled to participate in this case.

In these circumstances, an essential party is not present and the case should be dismissed for lack of jurisdiction.

Legal Analysis: The Impact of the Apology Resolution

The strategic significance attached to Pearl Harbor is particularly inconsistent with the notion that the Congress thought it was acquiring imperfect title [to the lands of the Kingdom of Hawai'i]. The possibility that the United States military might one day lose access to Pearl Harbor (which the monarchy had granted on an exclusive but revocable basis, see Supplemental Convention, Dec. 6, 1884, U.S.-Haw., art. II, 25 Stat. 1400) was a primary motivation for annexing Hawaii. See H.R. Rep No. 1355, 55th Cong., 2d Sess. 4 (1898) (endorsing annexation as a means to obtain "full power of ownership"); see also id. At 101, 103, 105.

Gregory G. Garre, Solicitor General, before the Supreme Court of the United States, Brief for the United States as Amicus Curiae Supporting Petitioners, at 15, State of Hawaii, et al. v. Office of Hawaiian Affairs, et al., No. 07-1372.

The Solicitor General's openly imperialistic rationale for destruction of the Hawaiian nation illuminates the true nature of the question before the United States Supreme Court in the ceded lands case. Will the United States Supreme Court once and for all extinguish the possible claims of the Hawaiian people to restoration of their nation and the spiritual land base of the traditional Hawaiian religion thereby validating that the law followed by the United States is "might makes right?"

When the State of Hawai'i argues that the Apology Resolution is merely symbolic, the underlying argument is "might makes right."

The historical context for this question is a clash of civilizations. The clash is between an indigenous civilization, developed over 25,000 years, living in a part of Polynesia known as Hawai'i and a foreign civilization rooted in Europe and finding its most relevant expression here in the United States of America (USA).

As set forth above, the European/USA civilization deliberately and systematically destroyed the Polynesian/Hawaiian civilization in order to seize the lands comprising the Hawaiian Islands.

An initial question in this case is whether the highest court of the prevailing civilization is capable of rendering a fair and just decision when addressing the rights of the civilization destroyed by the clash. There will inevitably be a bias towards ratifying the actions of the prevailing civilization and denying the legitimacy of any arguments to the contrary.

The initial step towards a just and fair resolution of the conflict is a willingness on the part of the prevailing civilization to acknowledge the arguments to the contrary and those who can legitimately make those arguments. The Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510, revisited the history of the conflict and repudiated the actions taken against the Kingdom of Hawai'i by agents of the USA.

Specifically, in the Apology Resolution, Congress found that without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms.

Congress noted that in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an “act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress” and acknowledged that by such acts the government of a peaceful and friendly people was overthrown.

Congress also noted that President Cleveland further concluded that a “substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair” and called for restoration of the Hawaiian monarchy.

The Solicitor General’s cavalier assertion that the United States Government as a whole sought to destroy the Kingdom in order to permanently seize Pearl Harbor ignores the initial events in which the President of the United States sought to reverse the illegal and unauthorized actions of United States agents.

At the same time, the Solicitor General does illuminate the true motivations for the initial overthrow and the subsequent efforts to achieve annexation. The actions taken against the Queen were not an insurrection. Those seizing the Kingdom Government did not do so with the intent of replacing that national government with a better or different national government; their intent, and that of their foreign allies, was to dissolve the national government and the nation itself through a policy of seeking annexation.

The provisional government and the subsequent Republic of Hawai'i were essentially creations of the annexation forces both within and outside the United States Government. The transfer of the ceded lands from the Republic to the United States was simply a part of the ongoing conspiracy to destroy the Hawaiian nation; the Republic and the United States were essentially the same party engaging in self dealing to transfer stolen property.

A more accurate historical perception is that the United States Government oscillated between endeavoring to undo the unauthorized actions of its agents and seizing the benefits of those actions.

President Cleveland would have restored Queen Liliu'okalani and the Kingdom Government.

Congress failed to muster the two-thirds vote needed to ratify a treaty of annexation, reflecting a significant sentiment that the entire episode lacked legitimacy.

Annexationists, unable to ratify the treaty, then relied upon a resolution to achieve annexation by majority vote.

In the Apology Resolution, justice again trumped imperialism. Congress returned to characterizing the actions of United States agents involved in the overthrow as unauthorized and illegal. Congress further made specific findings that
the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

The Apology Resolution acknowledged the ramifications of the illegal overthrow. That acknowledgement serves as a basis for pursuing reconciliation between the United States and the original Hawaiian people. Among the ramifications acknowledged is that the lands in question in this case were taken “without the consent or of compensation to the Native Hawaiian people of Hawaii or their sovereign government.”

The clauses in the Resolution that set the groundwork for the reconciliation process obviously opened the door for a possible negotiated restoration of the Hawaiian nation and the national lands.

The Apology Resolution did not directly repeal acts of Congress passed at the time of annexation that claimed that the Republic of Hawaii legitimately owned the Kingdom’s national lands and could pass clear title to the United States. For the resolution to have any meaning, however, the resolution must have reopened the question of land title. The resolution of that question was left to a reconciliation process.

The Hawai’i Supreme Court recognized that intent on the part of Congress and found that the lands should be held in trust until such time as the reconciliation process could determine appropriate disposition of the lands.

What the State of Hawaii seeks now is a ruling by this Court that ratifies land claims that are based on the overthrow of the Kingdom Government, an act repudiated by the Apology Resolution, and resolves those claims in favor of the State of Hawaii before any reconciliation can take place. The State of Hawaii essentially seeks to extinguish the Kingdom once and for all, making reconciliation a hollow exercise.

The State of Hawaii and the Solicitor General want this court to emasculate the Apology Resolution and return the legal situation to being defined by the legislative acts the Apology Resolution repudiates.

The State of Hawaii and the United States Solicitor General argue that Congress cannot change the status of the lands as set forth in the Admissions Act and the Newlands Resolution with the Apology Resolution.

The Apology Resolution returned to the initial event that preceded the transfer of the lands and found that initial event to have been unauthorized and illegal. That the fruit of the poisoned tree was passed from one entity to another cannot wash away the stain of illegitimacy. The Apology Resolution found that the lands never left the sovereignty of the original Hawaiian people. The Apology Resolution compels a conclusion that the Republic of Hawaii did not have proper title to transfer to the USA. The Apology Resolution, a public law, is the law today, as the Hawai'i Supreme Court correctly found.

Assuming that the highest court of the prevailing civilization is willing to consider that the intent of Congress was to change the legal landscape and open up the possibility of repairing the harm caused by prior illegal actions attributable to the United States Government, the next question that arises is whether the parties necessary to answer the questions raised by this case are represented and, if not, can be brought into the case.

As set forth above, the Temple of Lono has substantial interests at stake in this case and those interests are not represented and cannot be represented by existing parties. Because the Temple of Lono is a sovereign entity not under the jurisdiction of the United States, this Court cannot compel the Temple to enter the case. Under these circumstances, the law requires this Court to dismiss the case for lack of jurisdiction.

The Temple of Lono: An Indispensable, Absent Party

In determining whether the Temple of Lono is a necessary party to this proceeding, the Court must determine whether they are indispensable "so that 'in equity and good conscience' the suit should be dismissed." *Makah Indian Tribe v. Verity*, 910 F.2d 555, 558 (9th Cir. 1990).

It is impossible to read the history and not find the ownership of the lands in question to be a matter in which equity and good conscience are at issue.

Surely the unlawful overthrow of a nation by a foreign power is a matter that raises equitable concerns when the rights of the victims of the illegal action are being considered. Equity at a minimum requires the participation of some representative of the interests of the victims in any proceeding determining those rights. Absent such participation, the proceeding is not equitable.

In this case, there are three groups that could have represented the interests of the victims – the traditional kahunas, the Kingdom (Crown and Government), and the descendants of the original Hawaiian people as a whole.

This Court bars the Kingdom from appearing.

OHA claims to represent the descendants of the original Hawaiians and yet is a creation of the State of Hawai'i that does not promote full restoration of the illegally destroyed nation.

The only remaining institution that can represent the interests of the original civilization without question are the traditional spiritual practitioners.

The State of Hawai'i is a subdivision of a government that comes before this Honorable Court with unclean hands, as the Apology Resolution acknowledged. Good conscience requires the Court to refrain from further adding to the injuries already committed by the petitioner's government. The Apology Resolution includes a congressional finding that the lands at issue were taken without permission and compensation. Now the wrongdoer comes to this Court to legitimize the illegal seizure of these lands through judicial fiat.

"The inquiry is a practical one and fact specific. *Id.* (citation omitted). The practical effect of this Honorable Court accepting the arguments of the petitioner would be to extinguish all rights of the Hawaiian people to the lands in question. Another practical effect of such a resolution would be to preempt the reconciliation process called for by the Apology Resolution. Obviously, returning the illegally seized lands is a central issue in such a process.

The documents on file at various international bodies, prior legislation within the United States, the Apology Resolution, and the ruling of the Hawai'i Supreme Court contain the relevant facts.

The Court must determine first whether the absent parties are necessary. *Id.*

In determining necessity, the first inquiry is whether complete relief is possible among those already parties to the suit. *Id.*

The parties to the suit are (1) a subdivision of the belligerent occupying power, (2) an agency created by and under the control of that power (Office of Hawaiian Affairs), and (3) private citizens who do not have a basis for claiming to represent the traditional spiritual practitioners or the traditional religion.

Yet the issue to be resolved is the status of the lands belonging to the Kanaka Maoli. The resolution sought by the State of Hawaii is to extinguish the rights of the Hawaiian people to that land. Obviously, no complete resolution can take place among the existing parties. Resolving the issue among those already a party would violate the right of the Temple of Lono to assert that the proper resolution is reversion to the traditional system in which the Temple is the managing authority over the lands.

The second inquiry is whether the absent party has a legally protected interest in the case. *Id.*

The legally protected interest of the Temple of Lono is the Temple's First Amendment rights. Those rights exist in four forms.

First, the religious kuleana of the Temple as set forth above includes maintaining the connections between the Kanaka Maoli and the land. Without the lands, that connection

is broken and the bridge between the spiritual and the earthly rendered impossible. The Temple will be unable to engage in the free exercise of its religious practice.

Second, the earthly kuleana of the Temple, as set forth above, is to feed the people. Without the lands to grow food, the Temple is denied the essential earthly expression of its religious practice.

Third, the removal of the lands from the Hawaiian people would be a validation of the suppression of the traditional practitioners. Denying the traditional practitioners' authority in favor of a secular authority would destroy an existing religion and establish an alternative religion for the Hawaiian people – both violations of the occupying power's First Constitutional Amendment.

Fourth, the treatment of the Kingdom as non-existent and the questionable ability of OHA to represent all Kanaka Maoli leave the Kanaka Maoli without representation, absent the Temple of Lono, to argue their religious rights to the land.

OHA asserts its kuleana (responsibility) is to represent all viewpoints within the community of original Hawaiian descendants. Yet there are those within that community who support full restoration of the nation, creation of a nation within a nation, and no national restoration at all. OHA cannot represent all these divergent and contradictory viewpoints within its secular authority and certainly cannot represent the religious interests of the Temple of Lono.

Rice v. Cayetano, 528 U. S. 495 (2000) required the trustees of OHA to be elected by all registered voters in Hawai'i, not just those descended from the original Hawaiians. Just as President-elect Barack Obama represented Illinois when he was Senator from that State and now must represent all citizens of the United States as President, OHA can no longer make decisions on how to further the well being of Hawaiian descendants without taking into account voters who are not of Hawaiian descent and have no direct interest in that kuleana. A trustee's reelection may depend on not taking an action that might alienate those non-descendant voters, even if such action is favored by the descendants. OHA cannot truly represent, without conflict, the interests of the Kanaka Maoli in this case.

The Apology Resolution further supports a legal interest vested in the Temple. While there is legal debate as to the nature of that resolution, i.e. whether the resolution is simply a non-binding resolution, neither confirming nor denying any rights, or the law, as the Hawai'i Supreme Court ruled, there is no question that the Apology Resolution is an admission against interest by the United States Government. The resolution in detail describes the unfortunate events that led to the overthrow of the Kingdom Government by agents of the United States Government and the deleterious effect that action had and continues to have on the Hawaiian people. The illegal nature of that overthrow is explicitly acknowledged.

The Hawai'i Supreme Court acknowledged that admission and found that the legally protected interests of the Hawaiian people required that the lands in question be held in trust until such time as the Hawaiian people can engage in a process that corrects the wrong committed by the overthrow.

Nor does the Apology Resolution stand alone in its condemnation of the overthrow.

In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their effort by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993, the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self determination through Public Law 103-150 (107 Stat. 1510).

20 U.S.C. § 7512(5).

Congress also made findings regarding the importance of the lands in question and their appropriate treatment.

In 1959, under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", the United States also ceded to the State of Hawaii title to the public lands formerly held by the United State, but mandated that such lands be held by the State "in public trust" and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

Ibid. at (11).

Congress specifically acknowledged that return of their lands was essential to the restoration of the illegally destroyed nation.

Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their **ancestral territory** and their cultural identity, customs, practices, language, and social institutions **in accordance with their own spiritual and traditional beliefs**

Ibid. at (20). (emphasis added).

United States Courts have acknowledged the history, its impacts, and its implications as well.

In addition, Congress has expressly, and repeatedly, determined that the United States wrongfully participated in the demise of the Hawaiian Monarchy, *see e.g.* Native Hawaiian Education Act, 20 U.S.C. § 7512 (findings); Native Hawaiian Health Care Improvement, 42 U.S.C. § 11701 (findings); Apology Resolution, S. Joint Res. No. 19, Pub.L. No. 103-150, 107 Stat. 1510 (1993), the harmful consequences of which, in terms of decimation and suffering wrought on the native Hawaiian people and culture, are well documented. (citations omitted). Accordingly, Congress has asserted that the United States has a political relationship with, and a special trust obligation to, native Hawaiians as the indigenous people of Hawaii. (citations omitted).

Doe v. Kamehameha Schools/Bernice Pauhi Bishop, 416 F.3d 1025 (9th Cir. 2005).

Is there any question that allowing the State of Hawai'i to claim ownership of the Crown and Kingdom Government lands and to freely dissipate the corpus of the lands by permitting sale to private interest would be a violation of the "special trust obligation" repeatedly acknowledged by the United States?

The dispossession of the lands also destroys the spiritual land base of the Temple of Lono. The legal interest of the Temple is in preserving and perpetuating its ability to practice its land based religion.

The legally protected interest must be more than simply a financial interest. *Id.* In this case, the Apology Resolution and the Hawai'i Supreme Court ruling acknowledge that the land – the 'āina – is the foundation of Hawaiian civilization. That foundation has spiritual, cultural, political, and economic aspects. The Hawaiian civilization was an integrated civilization. The Kahunas had specialized knowledge of the Earth and its elements that provided them with extraordinary capacities and access to spiritual guidance. The high chiefs received that guidance to be implemented within the community and provided oversight to ensure proper (pono) implementation. The Konahiki served as officers of the high chiefs to supervise local implementation. The people accepted the guidance and performed the functions necessary to achieve unity (Lokahi) and the long term survival of the community. The governing principle of social relationships was aloha, an acknowledgement of the divine nature of each individual and respect for the unfolding of the divine will within individual lives. The 'aina responded to good administration by providing abundance to support the community. No one "owned" the land; the land belonged to the Gods with stewardship within the Kahuna, the chiefs, and the people. Within this system, removal of the lands from the jurisdiction of the Kahuna and vesting sole title in the State of Hawai'i would destroy the foundation of the civilization.

The petitioner understands this linkage. Under the guise of an alleged harm emanating from the Hawai'i Supreme Court ruling, petitioner actually seeks to finally extinguish the civilization upon which so much havoc has been wreaked by petitioner's government.

The legally protected interest of the Temple of Lono is the very survival of Hawaiian civilization.

At the very least, that interest is the right to preserve the potential for the reemergence of the suppressed religion on its traditional spiritual land base.

The protected interest must be “more than speculation about a future event.” *Makah, supra.* at 558. The restoration of the nation is not mere speculation about a future event. Legally, the nation never ceased to exist precisely because the overthrow of the government was an illegal act. All subsequent actions of the occupying power are merely fruit of that poisoned tree.

The very reconciliation process called for by the Apology Resolution is further evidence that restoration of the traditional civilization is not mere speculation. That the occupying power has not yet engaged in that process cannot be rewarded by characterizing that potential as mere speculation.

This Honorable Court must also determine whether the legally protected interests of the Hawaiian people will be impaired or impeded by the suit. *Id.* Obviously, a ruling by this Court that the lands in question belong to the occupying power would impair the interests of the Hawaiian people and impede the restoration of the Temple as the manager of the 'aina.

One practical effect of such a ruling is that the position of the Hawaiian people in the reconciliation process called for by the Apology Resolution would be dramatically altered. The State of Hawaii seeks to have this Honorable Court predetermine a central aspect of the reconciliation process by awarding ownership of the lands to the occupying power. The occupying government would then be in a position to claim ownership of the lands in question during reconciliation and the right to compensation when those lands are returned to the Hawaiian people. Such an outcome would simply pile injustice upon injustice.

The Court is also required to consider whether acting without the party could result in inconsistent rulings. *Id.* In this case, Petitioner is asking this Court to make a finding that would be inconsistent with the congressional findings in the Apology Resolution and the laws cited above that the lands were taken without permission or compensation and that the Hawaiian people never relinquished their sovereignty. Control over national lands is an essential element of sovereignty. To rule that the lands belong to the State of Hawaii would be inconsistent with these congressional findings.

From the analysis above, the Temple of Lono is a necessary party to this litigation.

The question still remains whether the absent parties are indispensable. *Makah, supra.* at 559.

The Court must first examine whether prejudice to any party would result from a judgment. *Ibid.* at 560.

That prejudice may be lessened, if the party is represented in the suit. *Id.* In this case, the Temple of Lono is not represented and cannot be represented by existing parties. In particular, OHA cannot represent the Temple's spiritual interest in the land. That incapacity derives from the nature of that office as a creation of the State of Hawai'i, the First Constitutional Amendment prohibition on a government agency representing a religious organization, and the lack of authority granted by the Temple for such representation to take place. Whether or not OHA chooses to recognize this limitation on its authority by bringing the lack of jurisdiction issue before this Honorable Court, this Honorable Court can take notice of the information in this letter and initiate an inquiry into its jurisdiction in this case.

Filing of an amicus brief is insufficient to mitigate prejudice. *Id.*

Clearly, the Temple of Lono would be prejudiced by a judgment reversing the Hawai'i Supreme Court and granting the relief sought by petitioner.

Shaping of relief to lessen prejudice can be considered in lieu of dismissal. *Id.* In this case, there can be no such shaping. Either the lands are held in trust for the Hawaiian people or the lands belong to the State of Hawai'i to do with as the State sees fit. There are no pieces to the pie to be divided up.

The third inquiry regarding an indispensable party is whether an adequate, if not complete, remedy can be fashioned even with the necessary party absent. In this case, there is no such partial remedy. Again, the lands are either held in trust, with all the responsibilities inherent in that designation, or they are handed to the occupying power with no fiduciary responsibility.

Finally, if no alternative forum is available to those seeking the judgment, "the court should be 'extra cautious' before dismissing the suit." *Id.* (citation omitted).

In this case, the Apology Resolution identified the alternative forum – a reconciliation process between the Hawaiian people and the United States Government. All that is necessary is for the United States Government to announce its decision to allow restoration of the Hawaiian nation and invite the Hawaiian people to join in a reconciliation process. Removing the intransigence of petitioner's government regarding sovereignty would quickly lead to the initiation of the alternative forum.

This Court cannot justly maintain jurisdiction based on the failure of the occupier to allow the reconciliation process to begin.

The ultimate question is whether the United States Government is going to continue to seek control over lands taken by imperial policy or take meaningful steps to restore the independence of the Hawaiian people. This Court should leave open the possibility that

the United States will truly implement the findings and conclusions found in the Apology Resolution and not treat the resolution as essentially hypocritical.

Conclusion

As a part of the Hawaiian community, the Hawai'i Supreme Court is intimately familiar with the history. That court's long history of addressing sovereignty issues provides a level of expertise, experience, and knowledge. Their unanimous opinion in this matter is worthy of respect and deference, even though the specific claims of the Temple of Lono were not considered.

The Hawai'i Supreme Court ruling essentially stated that the resolution of the lands question is a political question. Rather than simply dismiss the case on that basis, the Court noted that Congress had explicitly identified the political process that would resolve the question – the reconciliation process – and that such a process had not yet been consummated.

The Court then concluded that to implement the intent of the Apology Resolution, the Judicial Branch had to order the lands be kept in tact until the reconciliation process takes place. This ruling treated the public law as substantive and created a legal status for the lands that preserves the ability of the intended negotiations to implement the intent of the law.

Justice and good conscience requires this Honorable Court to (1) decline the State of Hawaii's effort to complete the genocidal process, (2) recognize the absence of the traditional practitioners as triggering dismissal for lack of jurisdiction, and (3) leave this matter to be resolved through the reconciliation process called for by the Apology Resolution.

Alternatively, the Court can dismiss the case on the basis that certiorari was improvidently granted and leave the Hawai'i Supreme Court decision in place.⁷

⁷ The Temple of Lono expresses its appreciation to Lanny Sinkin, Attorney at Law and Haumana (student) in the Temple, for his analytical and advocacy contributions.

geometrician

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April 3, 2009

L. Mikahala Roy, President
Kūlana Huli Honua
78-6822 Kuakini Hwy.
Kailua-Kona 96740

Dear Ms. Roy:

Subject: Comment on Draft Environmental Assessment for Hotel Renovations, King Kamehameha's Kona Beach Hotel, TMKs (3rd): 7-5-006:020, 021, 024 & 032; 7-5-005:062, 066 & 075, North Kona, Island of Hawai'i

Thank you for the comment letter dated February 21, 2009. Most of the material you supplied in the letter was general information concerning Kamakahonu and Ahu'ena Heiau, comment letters on the State pier improvements, legal papers, etc., and was not specific to the renovation action being analyzed in the Hotel. However, as a courtesy, we will include this material in the Final EA. In order to indicate the comments on the renovation or EA that are embedded within this material, I have provided sequential page numbers from 1-60 on the lower right hand corner of each page of your submittal and will refer to these page numbers below.

1. *References to your father, David Kahelemauna Roy (pp. 2-4, and in other parts of your comments).* There are undoubtedly many stories of Kamakahonu that were left untold in the CIA, which was required to focus on the effects of the renovation of the Hotel. I recognize and acknowledge the reasons you provide for not participating; nevertheless, more information on the efforts of your father might have been included if rather than refusing to be consulted you had provided the material during preparation of the EA that you provided in response to the Draft EA. On a personal note, I was privileged to work with your father on developing a plan for Keoloniahihi and I recognize that he was an eminent source of cultural knowledge concerning many areas of Kona.

2. *Lack of spiritual care in summary and lack of respect of Hotel ownership (p 16).* Your concern and opinions are noted.

3. *Consultation with Kahu of Ahu'ena on BMPs and protection of Ahu'ena during construction (p. 17-19).* The Hotel will work directly and consult with the representatives

of Ahu'ena Heiau, Inc. to monitor the construction activities. Jak Hu, General Manager for the Hotel, will be the direct point of contact for the Hotel during the renovation and construction phase.

4. *Archaeological significance and "inexperience" of consultant team in Hawaiian history (pp.17-18).* The exact and complete statement in the CIA is "While it should be recognized that the reconstructed features of Ahu'ena House and *Hale nana mahina 'ai* no longer hold archaeological significance, they hold great cultural significance for modern practitioners. Ahu'ena House and *Hale nana mahina 'ai*, along with the cultural activities that take place there, are considered sacred by Hawaiian cultural practitioners."

This statement was intended to convey that the reconstructed features (Ahu'ena House and *Hale nana mahina 'ai*) were subject to prior archaeological excavation and subsequent destruction as "archaeological sites," and no longer retain significant scientific information that could be retrieved through archaeological investigation. These sites have interpretive value as historical reconstructions, and as reconstructed cultural sites they hold great significance to modern practitioners. The cultural consultant has demonstrated through this analysis a high level of experience and expertise in an understanding of archaeological principles, historic preservation law, and Hawaiian culture-history.

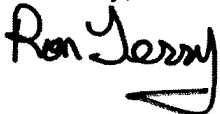
5. *Access.* Concerning access, public lateral access along the bay and beach to Ahu'ena Heiau will not be affected as a result of construction, so there will be no times at which the heiau will not be available to cultural practitioners; the only access restrictions will occur relative to access through the Hotel grounds, during certain construction times as safety concerns dictate. This has been clarified in the Final EA.

6. *Boundaries of historic site (p. 32).* The discussion in the EA simply spelled out the legal boundaries of the Historic District for the purposes of explaining the necessity of the EA. There was no implication that the historic character of the area ended at the boundary of the TMK, and in fact the CIA discussed historic properties in the entire area.

7. *CIA.* Your opinion on the CIA and its preparers are noted.

We very much appreciate your review of the document. If you have any questions about the project, please contact Greg Mooers at 880-1455. For questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is stylized with a large, sweeping "R" and a cursive "Terry".

Ron Terry, Principal
Geometrician Associates

Cc: Maija Cottle, Hawai'i County Planning Department