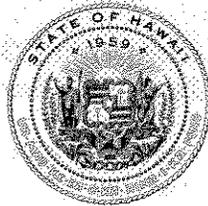
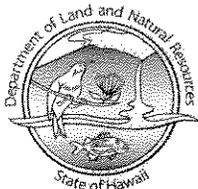


LINDA LINGLE
GOVERNOR OF HAWAII



OCT 23 2009

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COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

REF:OCCL:TM

CDUA: HA-3518

Acceptance Date: July 23, 2009

180-Day Exp. Date: January 19, 2010

MEMORANDUM

TO: Katherine P. Kealoha, Esq., Director
Office of Environmental Quality Control

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Final Environmental Assessment (FEA)/ Finding of No Significant Impact (FONSI) for Kuleana Land Use (Residence) and Access Driveway Located at Kalahiki, South Kona, island of Hawaii, TMK: (3) 8-6-014:012 & (3) 8-6-011:003

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Final Environmental Assessment (FEA) for the subject use. The Draft Environmental Assessment (DEA) for this project was published in OEQC's August 8, 2009 Environmental Notice.

The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in OEQC's upcoming October 23, 2009 Environmental Notice.

We have enclosed a hard copy and a disk with a pdf. file of the FEA and OEQC Bulletin Publication Form and Project Summary. Comments on the Draft Environmental Assessment were sought from relevant agencies and the public, and were included in the FEA.

Please contact Tiger Mills of our Office at 587-0382 if you have any questions on this matter.

Attachments

OCT - 9 2009

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587-0382

FINAL ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

ASSOCIATED IMPROVEMENTS IN THE

CONSERVATION DISTRICT

October 2009

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPLICANT:

Keith and Cynda Unger
P.O. Box 500
Honaunau, Hawai‘i 96726

**APPROVING
AGENCY:**

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

CONSULTANT:

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

**FINAL ENVIRONMENTAL ASSESSMENT
KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND
ASSOCIATED IMPROVEMENTS IN THE
CONSERVATION DISTRICT**

TMK (3rd): 8-6-014:012; 8-6-011:003
Kalāhiki, South Kona District, County of Hawai'i, State of Hawai'i

APPLICANT:

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P.O. Box 500
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1151 Punchbowl Street, Room 131
Honolulu, Hawai'i 96813

CONSULTANT:

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

CLASS OF ACTION:

Use of Land in Conservation District

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

Keith and Cynda Unger Single Family Dwelling Environmental Assessment

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**SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS
AND MITIGATION MEASURES**

Keith and Cynda Unger propose to construct a single-family dwelling and related improvements on a 0.20-acre property owned by McCandless Land & Cattle Company, LLC (“McCandless Ranch”). The residence would consist of a beach cottage occupying a footprint of approximately 2,046 square feet (sf) (1,403 sf interior, 633 sf lanai and porch). The home will have a composting toilet and a shower that recycles graywater for irrigation. Other features include an electrical generator, a propane tank, a 10,000 gallon water tank, a parking area, and minimal landscaping using the existing types of plants already found in the area: coconuts, naupaka, and tiare. The project would also include light grading of a 250-foot long, 15-foot wide driveway from the mauka side of the property to connect to an existing ranch road which runs from Ho‘okena Road to Kalāhiki over lands owned by McCandless Ranch.

Land clearing and construction activities would produce minor short-term impacts to noise, air and water quality and scenery. The project would not require an NPDES permit because grading would occur on much less than one acre, including the driveway. The grading component of the driveway will occur in a vegetated area well mauka of the coastal waters and will take a short period of time to accomplish, approximately three days. The applicant will ensure that its contractor performs all earthwork and grading in conformance with applicable laws, regulations and standards. The residence will be sited 40 feet from the certified shoreline, which is also the site of what is referred to on TMK maps as an “Old Road.” While the “Old Road” is not evident on the ground, the area where it is shown on the map is entirely makai of the kuleana and mostly makai of the certified shoreline. Impacts to archaeological and cultural resources have been avoided through inventory and avoidance of the shoreline. Archaeological monitoring will be conducted during ground disturbing activities. If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

PART 1: PROJECT DESCRIPTION AND E.A. PROCESS

1.1 Project Description and Location

Keith and Cynda Unger propose to construct a single-family dwelling and related improvements on a 0.20-acre property at TMK 8-6-014:012, Kalāhiki, South Kona District, for the residence of Keith and Cynda Unger (Figures 1-3, Appendix 4). Cynthia M. Salley is the sole manager of McCandless Land & Cattle Company, LLC (“McCandless Ranch” or “McCandless”), the property owner. Cynda Unger is the daughter of Cynthia Salley and a member of McCandless Land & Cattle Company, LLC. Keith Unger is married to Cynda Unger and is the general ranch manager for McCandless.

TMK 8-6-014: 012 is a *kuleana*, Land Commission award number 9746-C-1, which was historically, customarily and actually used for single-family residential purposes. McCandless Ranch owners, personnel and their guests as well as other property owners in Kalāhiki already regularly visit the beach at Kalāhiki and many of the 20 *kuleana* and other properties to fish, gather, and enjoy the beach area. The area is also used by fishermen and gatherers of *opihi*, *limu*, and other resources; some hikers and kayakers from Ho‘okena also visit the shoreline.

The residence would consist of a main beach cottage structure occupying a footprint of approximately 2,046 square feet (sf) (1,403 sf interior, 633 sf lanai and porch). The structure would be low-profile, with a maximum elevation of no more than 20 feet from the ground. The residence would be 40 feet inland from the certified shoreline and the makai property boundary, as far inland as is feasible on this lot for the single-story home. The house will be painted in muted, non-reflective tones and all exterior lighting will be shielded. The home will have a composting toilet and a shower that recycles graywater for irrigation. Other features include an electrical generator, a propane tank, a 10,000 gallon water tank, a parking area, and minimal landscaping using the existing types of plants already found in the area, coconuts, naupaka, and tiare.

Current access to this property and others at Kalāhiki is via an unpaved four-wheel drive road that runs from Ho‘okena Road over property owned by McCandless to the shoreline (see Figure 1). From here north, a road noted as the “Old Road” on TMK maps historically provided access to the kuleana (see Figure 2). The project would also include light grading of an approximately 250-foot long, 15-foot wide driveway on TMK 8-6-011:003 (also owned by McCandless Ranch) from the mauka end of the kuleana to the four-wheel drive road (see Appendix 4) to connect to the shared access road.

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

Figure 1 Project Location Map

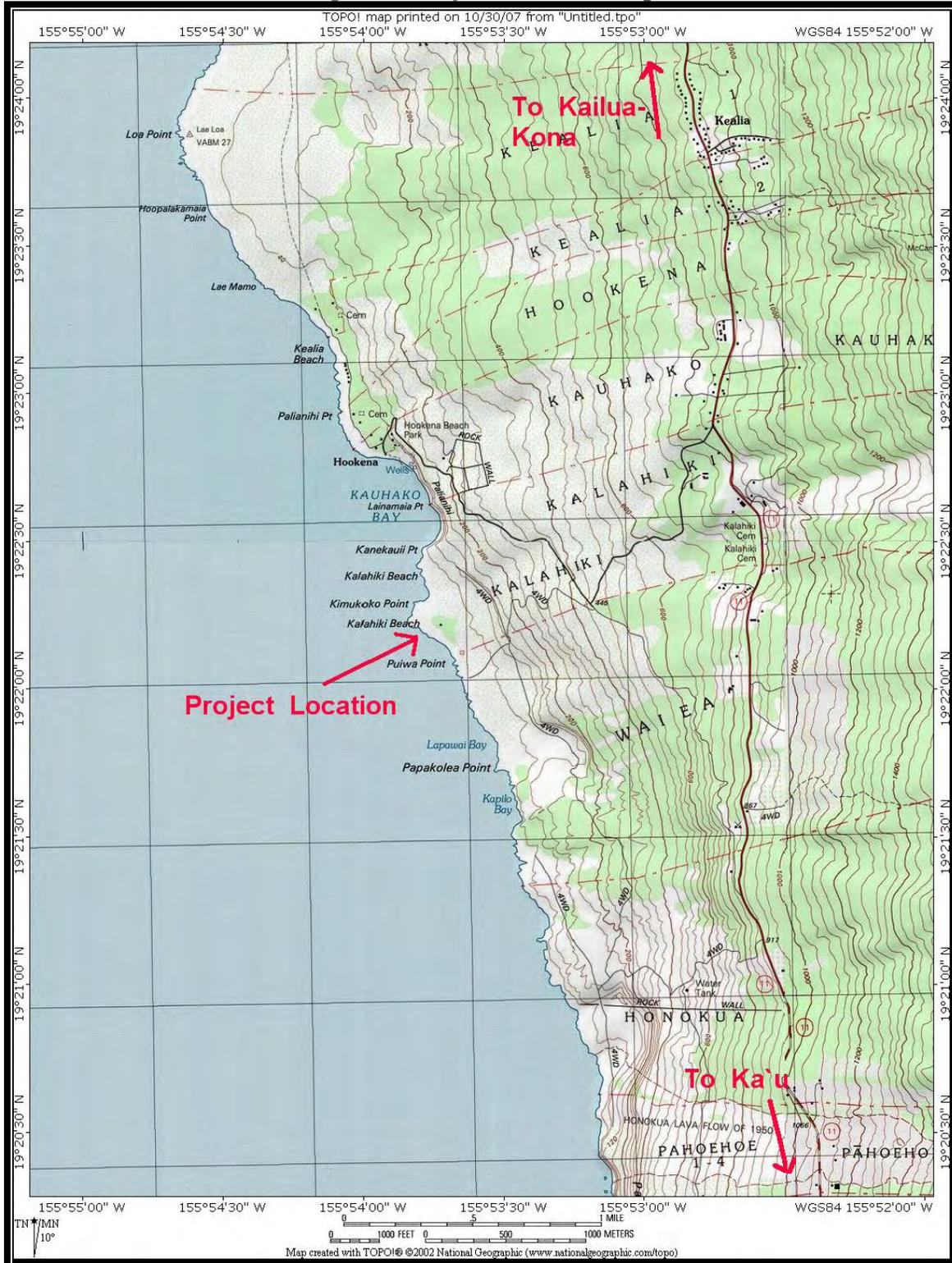
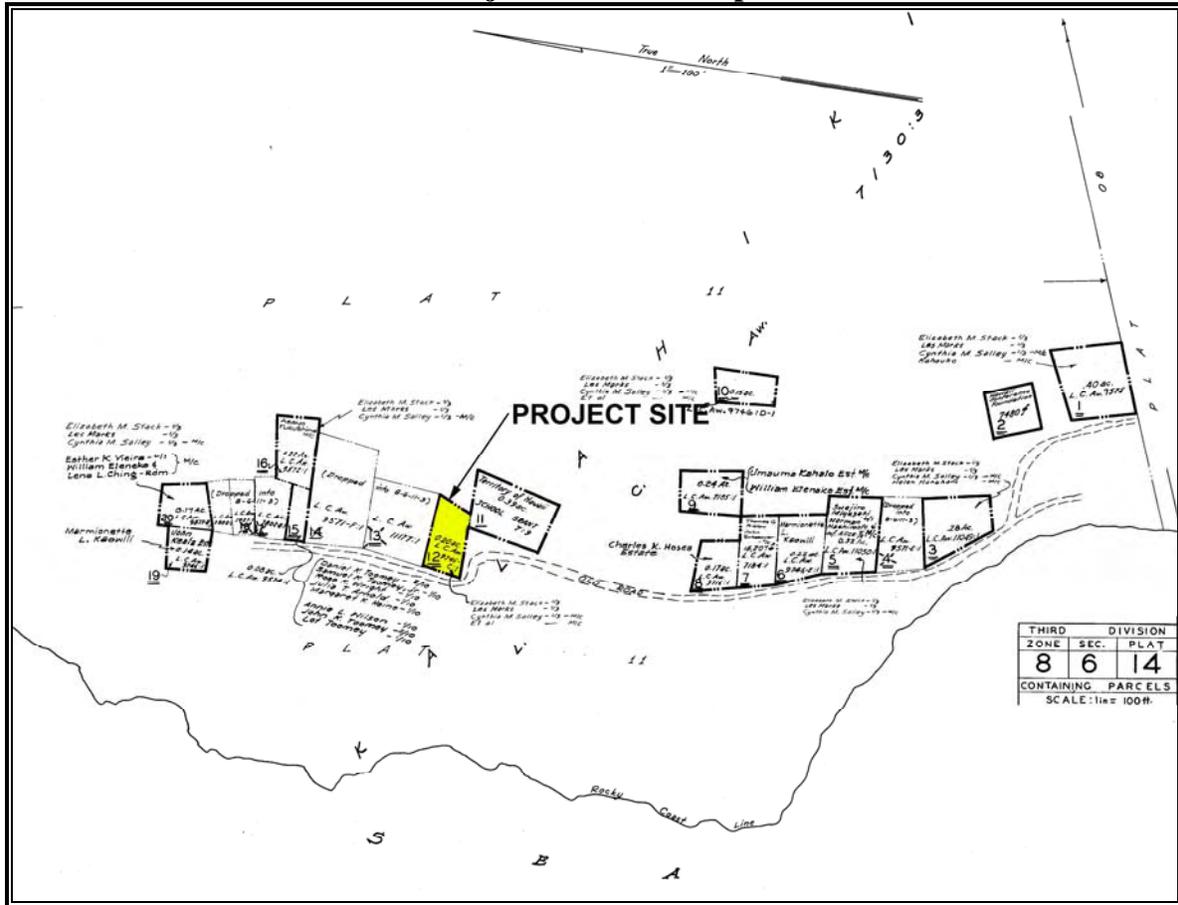


Figure 2
Project Site TMK Map



environmental impact assessment process in the State of Hawai‘i. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 4 of this document states the anticipated finding that no significant impacts are expected to occur, based on the preliminary findings for each criterion made by the consultant in consultation with the Hawai‘i State Department of Land and Natural Resources, the approving agency. If, after considering comments to the Draft EA, the approving agency concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the agency concludes that significant impacts are expected to occur as a result of the proposed action, then an Environmental Impact Statement (EIS) will be prepared. It should be noted that HAR § 11-200-8 (A)(3)(a) lists “Single-family residences less than 3,500 square feet not in conjunction with the building of more such units” as being “Exempt Classes of Action.”

Figure 3 Project Site Photos



3a Aerial Image ▲ ▼ 3b House Site





3c View Across Beach/Flat Makai of Property ▲ ▼ 3d House Site and Edge of Shoreline



Keith and Cynda Unger Single-Family Dwelling Environmental Assessment



3e Storm Surf on January 16, 2009 ▲ ▼ 3f Beach and Subject Property on January 16, 2009



1.3 Public Involvement and Agency Coordination

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

County:

Planning Department
County Council
Department of Public Works
Fire Department
Police Department

State:

Department of Health
Department of Land and Natural Resources, Office of Chairman
Department of Transportation, Highways Division, Hawai'i Island
Office of Hawaiian Affairs

Private:

Sierra Club
Clarence Medeiros
Charlie Young
Neighbors: Alston and Geraldine Kaleohano, Kealia Ranch, Puka'ana Church,
Tommy Rietow, Hale Kauai Ltd., Lucia Minan, Joe and Nohea Santimer

Copies of communications received during early consultation are contained in Appendix 1a. The early consultation letter sent to DLNR on November 2, 2007, stated the applicant's plan for the property was to use it for residential and recreational stays for ranch owners, employees, and guests. By letter dated November 28, 2007, the Office of Coastal and Conservation Lands, DLNR (see Appendix 1a) stated that it did not view the proposed use as an identified land use. It has now been clarified that the proposed use is a single-family residence for Keith and Cynda Unger. It should be noted that responses to early consultation are based on the plan described in the early consultation letter.

Appendix 1b 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 Proposed Project

The proposed project is described in Section 1.1 above and its locations and features illustrated in Figures 1-3 and Appendix 4.

2.2 No Action

Under the No Action Alternative, the residence would not be built. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project. No other alternatives uses for the property are desired by Keith and Cynda Unger or the McCandless Land and Cattle Co., and thus none are addressed in this EA.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

The property, which is presently vacant and unused, is bounded by a privately-owned parcel that appears to be a kuleana on one side (TMK 8-6-014:011) and partially enclosed by another (TMK 8-6-011:003). There is no development adjacent. On the seaward side is storm-deposit beach beyond which is a wide basalt shore (see photo in Figure 3c). According to the Shoreline Survey (see Appendix 3), the makai/north corner of the lot is at 13.02 feet above mean sea level.

3.1 Physical Environment

3.1.1 Geology, Soils and Geologic Hazards

Environmental Setting

The project site is located on the flank of Mauna Loa, an active volcano, in the District of South Kona, ahupua'a of Kalāhiki. The project site is underlain by lava flow from Mauna Loa of the Ka'u Basalt series of age 1,500 to 3,000 years. Soil in the area classified as Rough broken land (RB), a miscellaneous land type with very steep slopes (35 to 70 percent). The soil material is highly variable in depth, with outcrops common. This soil type is usually used for pasture, woodland, wildlife habitat, and recreation areas (U.S. Soil Conservation Service 1973). This area receives an average of about 40 to 50 inches of rain annually, with a mean annual temperature of approximately 80 degrees Fahrenheit (UH Hilo-Geography 1998:57).

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

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

3.1.2 Flood Zones and Shoreline Setting

Environmental Setting

Floodplain status for many areas of the island of Hawai‘i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program’s Flood Insurance Rate Maps (FIRM) (Fig. 4). The map for the project site is 1551661407C. The property and driveway are classified in Flood Zone X, areas outside the mapped 500-year floodplain, by a distance of at least 50 feet. No known areas of non-coastal local flooding are present.

The property lies adjacent to a wide basalt shoreline shelf with a storm-deposit beach on its *mauka* end. Although at most times the edge of the water is about 100 yards from the property boundary, during times of high waves and high tides, coral rubble, sand and basalt cobbles are deposited much closer. Through time, a shoreline deposit has formed (see photos in Figure 3). A certified shoreline survey was performed and located one corner of the project site’s *makai* property line essentially on the shoreline (see Appendix 3 for certified shoreline survey). The applicant, who has been familiar with the property for over 35 years, has never seen the property itself inundated as a result of high storm waves or tsunamis. On January 16, 2009, the National Weather Service issued a high surf advisory for waves above 14 feet and Kona experienced one of the largest storm events in the last several years. The applicant visited the *kuleana* during the height of the surf on that day at a medium tide and noted that the storm surge did not approach the *makai* boundary of the lot (see Figures 3e-f for photographs).

The property lies adjacent to a wide basalt shoreline shelf with a storm-deposit beach on its *mauka* end. Although at most times the edge of the water is about 100 yards from the property boundary, at some point in the past, extremely high waves deposited coral rubble, sand and basalt cobbles deposited much closer. Through time, a coral and basalt cobble deposit has formed (see photos in Figure 3). A certified shoreline survey was performed and located at the south corner of the project site’s *makai* property line essentially at the shoreline and about 15 feet *makai* of the north/*makai* corner of the lot (see Appendix 3 for certified shoreline survey).

The wide pahoehoe shelf bordering the project site currently protects the property from hazardous waves, which at the *makai* most part of the property, is 13 feet above sea level. The Site Plan calls for the home to be located at a setback distance of 40 feet, which is double the permitted shoreline setback for the home on this small property, based County of Hawai‘i Planning Department Rules, Rule 11-5. Because of the size and configuration of this lot, if all applicable setbacks are applied, including the 40-foot shoreline setback, the buildable area of the lot would be reduced by more than 50%. Thus, under Hawai‘i County Planning Department Rule 11-5(b)(1)(b), the shoreline setback would be 20 feet. Here, the applicant is proposing a 40-foot building setback.

Keith and Cynda Unger Single-Family Dwelling Environmental Assessment

Impacts and Mitigation Measures

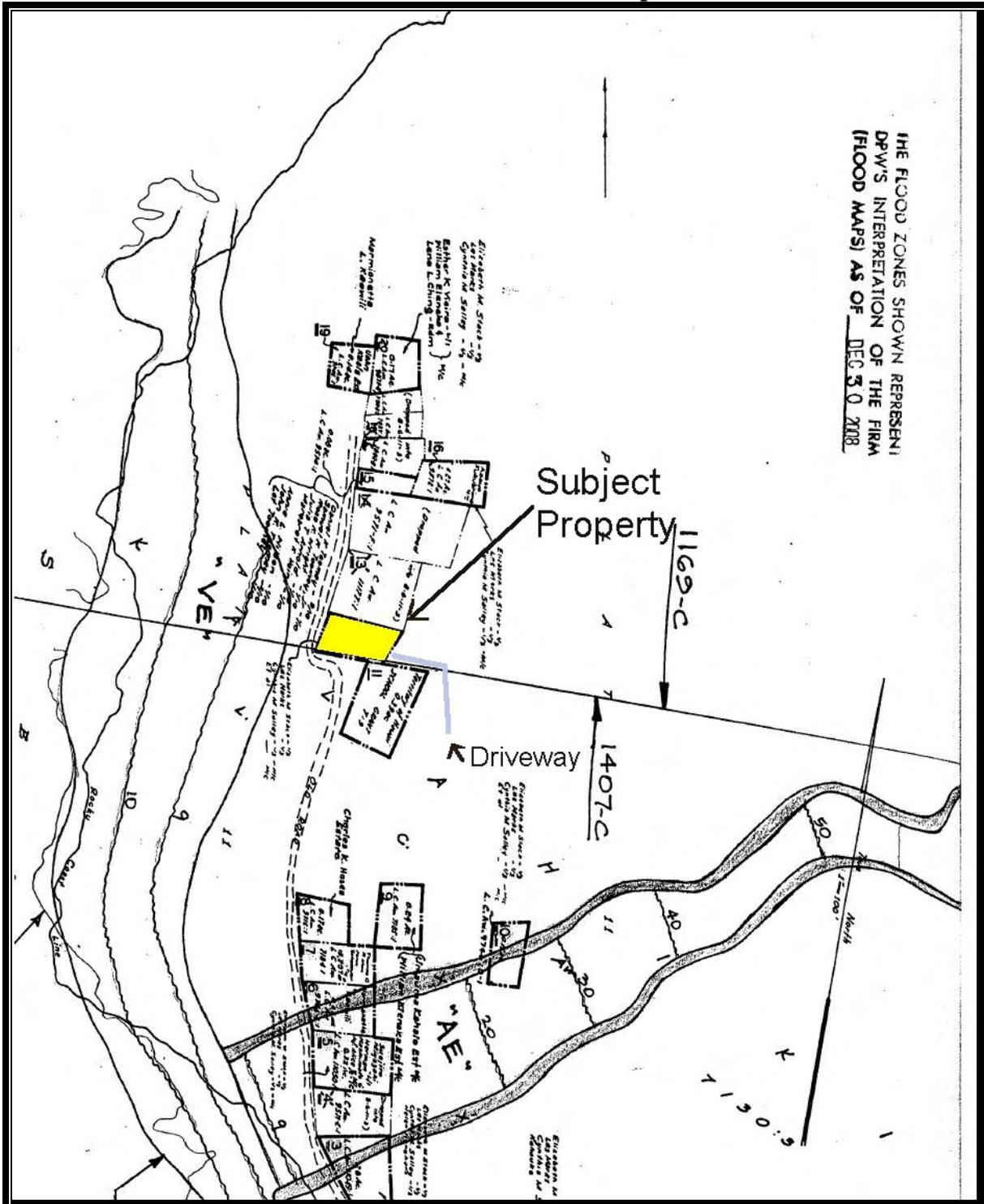
Lots that front the shoreline are subject to natural coastal processes including erosion and accretion, which can be affected by human actions such as removal of sand or shoreline hardening. Erosion may adversely affect not only a lot owner's improvements but also State land and waters, along with the recreational and ecosystem values they support. Development of shoreline properties also exposes residents and visitors to increased risk of hazardous high waves and tsunamis.

The project does not involve any shoreline hardening or use of areas subject to beach processes. Access to the home will be by a driveway at the back of the property. As discussed above, the proposed home would be outside the Flood Zone by a distance of 50 feet or more.

Of increasing importance to land use approvals in coastal regions throughout the world is the issue of sea level rise. The Earth is warming because of increases in human-produced greenhouse gases such as carbon dioxide and methane, which in turn, this has led to a rise in global sea level (<http://www.ncdc.noaa.gov/oa/climate/globalwarming.html>). According to the National Climate Data Center of the National Oceanic and Atmospheric Administration (NOAA), global mean sea level has been rising at an average rate of 1.7 mm/year (plus or minus 0.5mm) over the past century, a rate which has increased over the last 10 years to 3.1 mm/year (Bindoff et al 2007). NOAA projects an expected range of sea level rise over the next century of between 0.18 and 0.59 m due mainly to thermal expansion and contributions from melting alpine glaciers. However, potential contributions from melting ice sheets in Greenland or Antarctica may yield much larger increases. Dr. Charles Fletcher of the University of Hawai'i, Manoa, estimates that sea level may rise up to one meter by the end of the next century.

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

Figure 5
Flood Rate Insurance Map



Note: map interpreted on TMK by Hawai'i County Department of Public Works

A scenario of modest sea level rise would not likely substantially affect the integrity or use of the proposed residence, which is 13 feet above sea level in an area without reef protection, for many decades, if at all. Larger increases, particularly in a case of sudden onset, could certainly affect it. If so, this residence would be among thousands, or perhaps tens of thousands, to be affected in what would be the largest disaster to affect the Hawaiian Islands since human settlement. As sea level rise is gradual, there would probably be an opportunity for the owner to consider relocating or scrapping the structure for re-use of its valuable materials should sea level rise sufficiently to endanger the structure. The Ungers maintain that as this property is a kuleana and they have the legal right to build a home, the decision on whether to build this modest, local-style beach residence in the face of potential sea level rise over the next century is a decision they have the right to make. It is understood that in light of sea level rise of an indeterminate magnitude the property may be subject to significant erosion or even submergence. The owner would agree to a CDUP and/or deed condition that would prevent any future request for shoreline hardening regardless of hardship related to protecting the residence, and a condition requiring moving or dismantling the home if sea level rise eventually threatens the integrity of the structure.

3.1.3 Water Quality

As discussed in the preceding section, the property is adjacent to the shoreline. No water features such as streams, springs, or anchialine ponds found on or near the property. Grading for the driveway and house lot will include practices to minimize the potential for sedimentation, erosion and pollution of coastal waters. The builder shall perform all earthwork and grading in conformance with Chapter 10, Erosion and Sediment Control, and Chapter 27, Drainage, of the Hawai‘i County Code, and any additional best management practices required by the Board of Land and Natural Resources.

The project would not require an NPDES permit because grading would occur on much less than one acre, including the driveway. The grading component of the driveway will occur in a vegetated area well mauka of the coastal waters and will take a short period of time to accomplish, approximately three days. Applicant will ensure that its contractor shall perform all earthwork and grading in conformance with:

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

Keith and Cynda Unger Single-Family Dwelling Environmental Assessment

In addition, as part of construction, the Ungers will require that their contractor implement the following practices.

- The total amount of land disturbance will be minimized. The construction contractor will be limited to the delineated construction work areas within the kuleana or driveway areas.
- The contractor will not allow any sediment to leave the site, particularly towards the ocean.
- Unused materials and excess fill will be removed and disposed of at an authorized waste disposal site. The contractor will be encouraged to recycle or donate for reuse excess material, as appropriate.
- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the contractor will be asked to adhere to “Good Housekeeping” for all appropriate substances, with the following instructions:
 - Onsite storage of the minimum practical quantity of hazardous materials necessary to complete the job;
 - Products will be kept in their original containers unless unresealable, and original labels and safety data will be retained;
 - Disposal of surplus will follow manufacturer’s recommendation and adhere to all regulations;
 - Manufacturers’ recommendations for proper use and disposal will be strictly followed;
 - Regular inspection by contractor to ensure proper use and disposal;
 - Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance to minimize leakage;
 - All spills will be cleaned up immediately after discovery, using proper materials that will be properly disposed of;
 - Regardless of size, spills or toxic or hazardous materials will be reported to the appropriate government agency;
 - Should spills occur, the spill prevention plan will be adjusted to include measures to prevent spills from re-occurring and for modified clean-up procedures.

Upon its completion, the driveway will be consistent with other McCandless Ranch roads that have been in existence for close to a century in the area and, as such, it is expected that the project will not contribute to sedimentation, erosion, and pollution of coastal waters.

3.1.4 Flora and Fauna

Environmental Setting

The project site's vegetation is dominated by non-native species including kiawe (*Prosopis pallida*), opiuma (*Pithecellobium dulce*), koa haole (*Leucaena leucocephala*), and Christmas berry (*Schinus terebinthifolius*). Plant species detected on the project site are listed in Table 1 below.

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

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

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

Table 1. Plant Species On/Near Property

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

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

Impacts and Mitigation Measures

Because of the relatively minor nature of the project and the lack of native terrestrial ecosystems and threatened or endangered plant species, construction and use of the single-family residence are not likely to cause adverse biological impacts. The applicant is planning minimal landscaping. No effect on any coastal ecosystem will occur, both because of the lack of well-developed native community on or in front of the property and the fact that no activities are planned for the shoreline area. The precautions for preventing any effects to water quality during construction listed above in Section 3.1.1 should minimize any adverse impact on aquatic biological resources in coastal waters. Exterior lighting will be shielded to minimize the potential for disorientation of seabirds.

3.1.5 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air quality in the area is generally excellent, due to its rural nature and minimal degree of human activity, although vog, sulfur dioxide and particulate matter from Kilauea volcano, is occasionally blown into South Kona.

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Noise on the site is low, and is derived from natural sources (such as surf and wind) due to the very rural nature of the area.

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

Impacts and Mitigation Measures

The project would not affect air quality or noise levels in any substantial ways. Brief and minor adverse effects would occur during construction. However, there are virtually no sensitive noise receptors in the vicinity, and given the small scale of the project, noise mitigation will likely not be necessary.

The project site is located a quite far from any community or other center of activity. Due to obstructing vegetation and distance, the residence would likely not be visible from Ho'okena Beach or Ho'okena Road, nor would it have any impact on the scenic resources in the Ho'okena-Kauhako area. The vegetation surrounding the property would partially mask the appearance of the residence. It should be recognized that a single-family home is an identified use in the Conservation District, and a specifically permitted kuleana use under HRS 183C-5. Any single-family home will have some visual impact. The applicant is planning to continue the low-key landscape of the property and utilize native plants in landscaping.

3.1.6 Hazardous Substances, Toxic Waste and Hazardous Conditions

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

- Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall;
- Cleared areas will be replanted or otherwise stabilized as soon as possible;
- Fuel storage and use will be conducted to prevent leaks, spills or fires; and
- Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean.

3.2 Socioeconomic and Cultural

3.2.1 Land Use, Designations and Controls

Existing Environment

The property is bordered by the shoreline to the west and by private properties on the remaining sides.

The State Land Use District for the property, and adjacent properties, is Conservation, subzone Limited, and is therefore not zoned by the County of Hawai‘i. The project site is within the Special Management Area. No structures are proposed to be located within the Shoreline Setback Area.

The property is a kuleana. HRS 183C-5 provides: “Any land identified as a kuleana may be put to those uses which were historically, customarily, and actually found on that particular lot.” Construction of a single-family home and associated improvements is permitted and, indeed, cannot legally be prohibited on a kuleana in the Conservation District. The owner may be required to apply for a Conservation District Use Permit (CDUP) and Special Management Area Permit (or exemption) in order to ensure that the proposed structure is “consistent with the surrounding environment.” (HRS 183C-5.)

Single-family residences may be determined to be an exempt action under the County’s Special Management Area (SMA) guidelines. The County of Hawai‘i Planning Department requires preparation of an SMA Assessment Application, in which SMA issues are expressly dealt with.

The consistency of the project with the regulations and policies of the Conservation District and the Special Management Area are discussed in Section 3.6.2 and 3.6.3.

3.2.2 Socioeconomic Characteristics and Recreation

Existing Environment

The project site is a kuleana located within the ahupua‘a of Kalāhiki on the southwest shore of the Island and County of Hawai‘i. This is a remote portion of the Big Island, with the nearest town of Captain Cook located approximately eight miles away.

Although South Kona was an important district in pre-Contact Hawai‘i, by 1900 it had become a sleepy rural district of scattered coffee farms and cattle ranches, with more traditional fishing villages such as Ke‘ei and Napo‘opo‘o still present on the coast. Many parts of West Hawai‘i have experienced high rates of growth associated with the booming visitor industry. Population has grown rapidly in all of West Hawai‘i, although less so in the District of South Kona, where

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the number of inhabitants increased from 7,658 in 1990 to 8,589 in 2000, and increase of about 12%, less than the County's growth from 120,317 in 1990 to 148,677 in 2000, an increase of about 25%. This is attributable to the fact that South Kona has very little urban area or small agricultural lots to accommodate population growth.

The project site is about 0.6 miles south of Ho'okena Beach Park, a County Park located at the end of Ho'okena Beach Road. The only vehicular access to the project site is through an approximately one-mile long private 4WD road over land owned by McCandless Ranch, which utilizes the surrounding area for ranching. Public vehicular access is not available, but McCandless Ranch respects and provides for the access rights of kuleana owners.

The shoreline and nearshore waters at Kalāhiki are currently used by *kuleana* owners or guests who drive in using four-wheel drive vehicles, as well as low numbers of fishermen, divers, swimmers, kayakers and hikers who either utilize boats for access or hike/swim in (mainly from Ho'okena Beach Park).

Impacts and Mitigation Measures

No adverse socioeconomic impacts are expected to result from the project. The project will have a very small positive economic impact for the County of Hawai'i. The residence and associated improvements will not adversely affect other residents, as there are no homes nearby.

The applicant understands that there is public pedestrian access along the shoreline in front of the property. Construction of the residence would have no adverse effect on recreational use of the shoreline or the nearby Ho'okena County Beach Park, which is located a half mile to the north. Possible incorporation of the "Old Road" into the Ala Kahakai National Historic Trail system is discussed in the next section.

3.2.3 Cultural and Historic Resources

An archaeological inventory survey and limited cultural impact assessment report for the proposed action was performed by Rechtman Consulting. This report is attached as Appendix 2 and is summarized below. In the interest of readability, the summary below has eliminated most scholarly references; readers interested in sources may consult Appendix 2.

Historical and Cultural Background

Appendix 2 provides a cultural-historical background of Kalāhiki Ahupua'a and the general South Kona region. It is first of all acknowledged that 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, these same godbeings, 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. 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 believe that for generations following initial settlement from Polynesia, communities were clustered along the watered, windward (*ko‘olau*) shores of the Hawaiian Islands. 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. 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 (Kaiakeakua) vicinity, Kahalu‘u-Keauhou, Ka‘awaloa-Kealakekua, 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.

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 (*mokupuni*) was divided into six districts or *moku-o-loko*. On Hawai‘i, the district of Kona is one of six major *moku-o-loko* within the island. The district of Kona 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. Like other large land units on the Island of Hawai‘i, Kona is divided into two smaller units of land and is referred to as North and South Kona. The *ahupua‘a* of Kalāhiki is located in South Kona within a subregion traditionally known as *Ka-pali-lua*, translated as “the two cliffs” (Pukui and Elbert 1986). This descriptive term refers to the prominent coastal bluffs of the area. South Kona is noted for its steep slopes, former extensive upland agricultural plantations beginning near the former *ala loa* (ancient trail, later *alanui aupuni* [government road] and currently approximating the alignment of Māmalahoa Highway), and rich near shore and deep sea fisheries. The portion of *Ka-pali-lua* in which the current project area is situated includes the *makai*-most sections of the former extensive agricultural areas.

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According to Pukui et al. (1974:73), Kalāhiki literally means “the sunrise”. One story of how Kalāhiki Ahupua‘a acquired its name, retold in Appendix 2, involves the sacred chiefesses, Kalā-hiki-lani-ali‘i and Waiea-nui-hāko‘i-lani, who would make *lehua* garlands in a protected ‘*ohi‘a* forest.

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. The worship of Lono appears to have been 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. The rituals of Lono, “The father of waters,” and the annual *Makahiki* festival, which honored Lono, were of great importance to the native residents of this region. The significance of rituals and ceremonial observances in cultivation and 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.

In the 1920s-1930s, Handy et al. (1972) conducted extensive research and field interviews with elder native Hawaiians and recorded traditions of agricultural practices and rituals associated with rains 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. It was the limited access to fresh water that necessitated the need for planting in zones according to rainfall and moisture.

Kalāhiki Ahupua‘a likely provided a variety of sustainable resources to the Precontact Hawaiians residing there and to the *ali‘i* who claimed the land. As with other areas of Kona, the *ahupua‘a* residents utilized the land in accordance with specific elevation zones. These land use zones reflected different environments where specific natural resources were readily acquired and where varying degrees of modification of the terrain produced a sustainable amount of agricultural goods. Dryland planting techniques in the upland regions included the ‘*umokī* (planting in mulched holes); *pu‘epu‘e* (planting in earthen or stone mulched mounds); and *pā kukui* (planting in *kukui* groves where trees were felled and used as mulch).

Given the environmental conditions of the region, the native residents practiced a subsistence-based system of seasonal travel and residence across the land. Traditions recorded in the nineteenth and early twentieth centuries, and oral histories collected from individuals born in the early 1900s, document that the families of the region maintained residences at various elevations. Primary residences were situated near the *ala loa* and along the shore. Temporary residences, which were used recurrently over long periods of time, were maintained in the upland planting zones. Travel between residences was carried out over a system of *mauka/makai* trails in each

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ahupua'a. Coastal residences in different *ahupua'a* were also connected by trails. Many of these trails continued to be traveled on foot by residents and landowners through the early 1900s. By the 1930s, some of the trails were modified for vehicular travel.

In Precontact Hawai'i, all land and natural resources were held in trust by the high chiefs (*ali'i 'ai ahupua'a* or *ali'i 'ai moku*). The use of lands and resources, including fisheries were given to the *hoa'aina* (native tenants), at the prerogative of the *ali'i* and their representatives or land agents (*konohiki*), who were generally lesser chiefs.

By all accounts, the Hawaiian people attempted to practiced resource conservation, trying never to deplete their fisheries or over harvested their plant resources. Once a fisherman discovered an area full of fish, it became his special feeding spot (*ko'a*). Here he would feed the fish so they would become accustomed to visiting the *ko'a* and frequent it often. Then he would take only as much fish so as to not alarm the other fish and not deplete the resource. Fish such as the *aku* and *'ope'upe'u* that run in large schools, were not to be taken during the spawning season. There were also restrictions as to where people could fish, so that they did not take from another *ahupua'a*.

It was King Kamehameha I who in historical times united the Hawaiian Islands. Early in his reign there were troubles. Many of the chiefs and landlords under him oppressed the common people. During this period, Kalāhiki Ahupua'a is reported to be one the locations where Kamehameha's chiefs Alapa'i-malo-iki and Ka-uhiwawae-ono "went out with their men to catch people for shark bait" (Kamakau 1992:232). Troubles with oppressing and greedy chiefs led Kamehameha I to make this law: The number of landlords (*haku'aina*) over the keeper of the land (*hoa'aina*) shall be [but] one. The people (*maka'ainana*) shall not be made to come long distances to work for the keeper (*konohiki*); the chiefs and keepers shall not strip the people of their property leaving them destitute; no man shall give many feasts and absorb the property of the poor; no landlord shall compel a man to work for him who does not want to, or to burden him in any way; he should be impartial and judge his people aright. (Kamakau 1992: 231)

Captain Cook sailed into Kealahou Bay, about seven miles to the north, in 1778. With the arrival of foreigners came disease, and different views on politics, land and fishing tenure, religion, and tradition. During the time period between Captain Cook's arrival and the death of King Kamehameha I in 1819, settlement and subsistence practices continued to operate much as they had prehistorically. After Kamehameha's death, many of the traditional Native Hawaiian ways were altered to adjust to the influence of foreign entities. Within six months after the death of Kamehameha I, and during the rule of his successor Liholiho (Kamehameha II), the traditional socio-religious (*kapu*) system had been dismantled. And with the end of the *kapu* system, changes in the social, religious, and economic patterns began to affect the lives of the common people. Liholiho died in 1824, but during his short reign drastic changes that affected the course of Hawaiian history occurred. The friendly reception afforded to the missionary arrival in 1820 was among the most significant of Liholiho's actions.

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William Ellis was a missionary who toured the Island of Hawai‘i in 1823 searching for communities in which to establish and promote the Calvinist mission. Besides preaching at various villages along his route, Ellis also recorded features of the land, customs of the people he encountered and various other details about the island and its people. At one point along his journey, Ellis, along with Mr. Harwood and fellow missionaries Thurston, Goodrich, and Bishop departed from Honaunau and traveled south. After some distance they came to and rested at Kalāhiki. It is in the following passage that we gain insight into the early Historic Period of Kalāhiki Ahupua‘a.

“Mr. Harwood being indisposed, and unable to travel, and being myself but weak, we proceeded in the canoe to Kalahiti [Kalāhiki], where we landed about 2 p.m. and waited the arrival of our companions. The rest of the party traveled along the shore, by a path often tedious and difficult. The party that had traveled by foot to Kalāhiki: ...passed through two villages, containing between three and four hundred inhabitants, and reached Kalahiti [Kalāhiki] about four in the afternoon. Here the people were collected for public worship, and Mr. Thurston preached to them from John VI. 38. They gave good attention, and appeared interested in what they heard. The evening was spent in conversation on religious subjects, with those who crowded our lodgings.... (Ellis 2004: 163-172).

Liholiho’s successor was his younger brother Kauikeaouli (Kamehameha III). It was Kamehameha III who transformed Hawai‘i into a constitutional monarchy (Kamakau 1992:370). It is under a constitutional monarchy that grievances against oppressing chiefs could be considered and settled upon. Before Hawai‘i was a constitutional monarchy, property rights for “both chiefs and commoners were unstable...” (Kamakau 1992:376). Kamehameha III redistributed the land between himself, the chiefs, and the commoners. In 1839, Kamehameha III defined and distributed the fishing rights of the native tenants, the chiefs, and himself. A letter to the Minister of the Interior from Kinimaka (the Kalāhiki *ali‘i* awardee) stated that a restricted fish is the *‘opelu* (Maly and Maly 2003).

Among the many changes that occurred during the early Historic Period, the change in land tenure was immense. In 1848, the *Māhele ‘Āina* radically altered the Hawaiian system of land tenure. The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. Laws in the period of the *Māhele* record that ownership rights to all lands in the kingdom were “subject to the rights of the native tenants;” those individuals who lived on the land and worked it for their subsistence and the welfare of the chiefs.

As a result of the *Māhele*, Kalāhiki Ahupua‘a was awarded to an *ali‘i* named Kinimaka (LCAw. 7130). Kinimaka was a Maui chief who was imprisoned on Kaho‘olawe Island in 1840 for forging Maui Governor Hoapili’s will but was pardoned by the House of Nobles in 1842.

A review of the *Waihona ‘Āina Māhele* database showed 32 *kuleana* and two *ali‘i* (both to Kinimaka, possibly a duplicate error) land holdings claimed in Kalāhiki Ahupua‘a, but only 25 were awarded. Within the coastal portion of Kalāhiki there were 19 LCAw.

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The current study parcel is one of these and was awarded to a commoner named Auae (LCAw. 9746-C: 1). Auae claimed three sections: a house lot; an *ili* (Hanainui); and a taro *kihapai*. The current study parcel is the house lot awarded to Auae in 1847. His agricultural fields were located further inland at elevations ranging from 760 to 920 feet above sea level. Auae reported that he received the house lot from Kahimahauna.

Typically, coastal awardees also claimed inland agricultural land where they cultivated taro, sweet potato, banana, coffee, and oranges. These crops were grown within either *kīhāpai* (cultivated patch, garden, orchard, or small farm) or *mala* (garden, field). In Kalāhiki, there were at least 120 *kihapai/mala* mentioned in the *Māhele* testimony of the nineteen coastal LCAw.

Following the *Māhele*, the Kingdom began selling parcels of government land to interested residents in an effort to encourage more native tenants onto fee-simple parcels of land. The parcels of land sold in the grants ranged in size from approximately ten acres to many hundreds of acres. When the sales were agreed upon, Royal Patents were issued and recorded following a numerical system that remains in use today. Within Kalāhiki Ahupua‘a there were two grants: School Grant 7:9, and Grant 1853, issued to Mikahaka in 1855 that consisted of the ‘*ili kupo*no Kapuai. Mikahaka was also awarded LCAw. 11049, located within Kalāhiki.

By the late 1840s a system of roads called the “*Alanui Aupuni*”, or Government Roads, were created. These were likely initiated due to the land acquisitions by foreigners, and their desire to reach their land more efficiently. The roads also facilitated foot transportation for children who went to schools in different *ahupua‘a*. Some of the “Government Roads” were modified ancient trails, such as the *ala loa*. Letters written by and between local residents and government officials during the construction of these roads provide information about site-specific locations. Letters indicated that by 1847 government officials were planning a road through the lower portion of Kalāhiki and that by no later than 1890 it had been built.

After the building of roads throughout Hawai‘i Island it was much easier for tourists to visit. H.W. Kinney published a visitor’s guide to Hawai‘i Island in 1913. In this guide, Kinney describes traditional practices, historical accounts, and land features that one may encounter around the island. Kinney described traveling from Ho‘okena south to Kalāhiki:

“A fair trail leads through KEALIA, a pretty village which is practically a suburb to HOOKENA, a steamer landing place, which was once a village of much importance, but which is now being abandoned by the population, which is Hawaiian. Near the wharf was a place famous in ancient days for the playing of a game with *pupu* shells. In the great cliff south of the village are several caves, some of them still floored with sand, where *tapa* makers piled their trade. A very poor trail leads *makai* of this cliff to the KALAHIKI village, a small settlement on the south side of the bay, which may also be reached by a better trail on top of the bluff. Here are traces of a four terrace *heiau*. Beyond this there is no practicable trail leading south” (Kinney in Maly and Maly 2001:38).

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By 1919, L.L. McCandless began ranching operations in South Kona. McCandless Ranch incorporated a vast area both *mauka* and *makai* of Māmalahoa Highway within several *ahupua‘a*, and included most of Kalāhiki Ahupua‘a. The general area in which the current study parcel is located was used by the ranch as free-range pasture, as the McCandless Ranch operation was primarily focused on trapping “wild cattle” that had proliferated on the land. The fee-simple parcels along the Kalāhiki coastline, which collectively formed the “village” described by Kinney in 1913, had but a couple of Hawaiian families resident in the 1930s, and by the 1940s, these residences were no longer occupied on a year-round basis.

Although focused broadly on a long stretch of the coastline of the island of Hawai‘i, the planned development of the Ala Kahakai National Historical Trail (NHT) is also an important subject for cultural studies in South Kona. Established in 2000 for the preservation, protection and interpretation of traditional Native Hawaiian culture and natural resources, the Ala Kahakai NHT is a 175-mile trail corridor full of cultural and historical significance. The National Park Service prepared Draft and Final Environmental Impact Statements and a Comprehensive Management Plan (U.S. Department of the Interior 2008), which provides the information in this EA. It traverses hundreds of ancient Hawaiian settlement sites through more than 200 *ahupua‘a*. Cultural resources along the trail include several important *heiau*, royal centers, *kahua* (house site foundations), *loko ‘ia* (fishponds) *ko‘a* (fishing shrines), *ki‘i pohaku* (petroglyphs), *holua* (stone slide), and *wahi pana* (sacred places). Natural resources include anchialine ponds, *pali* (precipices), nearshore reefs, estuarine ecosystems, coastal vegetation, migratory birds, native sea turtle habitat, and several threatened and endangered endemic species of plants and animals.

The EIS considered No Action (A), Single Trail (B), and Ahupua‘a Trail System (C) alternatives. Alternative C, the preferred alternative, is based on the traditional Hawaiian trail system in which multiple trail alignments within the *ahupua‘a* (mountain to sea land division) are integral to land use and stewardship. Under the proposed action, a continuous trail parallel to the shoreline would be protected; however, on public lands and where landowners wish it, the Ala Kahakai NHT could include inland portions of the *ala loa* or other historic trails that run lateral to the shoreline, and the shoreline *ala loa* would be connected to ancient or historic *mauka-makai* (mountain to sea) trails that would have traditionally been part of the *ahupua‘a* system. During the 15-year planning period that is the current focus of the trail planning effort, the priority zone from Kawaihae through Pu‘uhonua o Hōnaunau National Park to Ho‘okena (outside and to the north of the project site) would be the focus for developing a continuous publicly accessible trail, but trail administration and management would protect and preserve trail sections outside of that zone as feasible. Through an agreement, the State of Hawai‘i could convey to the NPS a less-than-fee management interest in trail segments that are state-owned under the Highways Act of 1892 within the Ala Kahakai NHT corridor. The NPS would then be responsible for managing these segments and federal law would fully apply. However, in cooperation with the NPS, local communities of the *ahupua‘a* would be encouraged to take responsibility for trail management using the traditional Hawaiian principles of land management and stewardship. The Ala Kahakai Trail Association would be expected to be robust enough to play a major part in trail management, promotion, and funding.

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Maps contained with the Draft EIS for Alternative C of the Ala Kahakai are very general. They indicate a main trail well *mauka* of the project site and a “potential trail” within the Na Ala Hele Inventory closer to the ocean. Although the scale of the map is so small that the alignment of this potential trail cannot be located with any precision, there is no physical trail on or across the kuleana, and the “Old Road” shown on the TMK map runs entirely *makai* of the kuleana. It is presumably the “King’s Trail” shown on various old maps, which appears to correspond to the current “Old Road” shown on TMK maps *makai* of the project site (see Figure 2). There is ample area *makai* of the kuleana lot for a pedestrian trail. Most people who traverse the area walk on the pahoehoe bench (*papa*) along the shoreline, although it is possible to walk along the lava and coral rubble on the route of the “Old Road.” The use of this kuleana for a single-family residence will in no way limit or impair pedestrian access along the shoreline using either route.

Existing Archaeological Resources

The study area for the archaeological inventory survey was the house lot awarded to Auae in 1847 as LCAw. 9746C currently identified as TMK 8-6-014:012 and the proposed driveway leading to it from a ranch road. The context of a house lot and the generalized model inferred from previous coastal archaeological work in the broader South Kona region shows the possibility of locating Precontact habitation features such as platforms, agricultural features such as mounds and burials in platforms and/or filled cracks in the *pāhoehoe* lava. Historic Period features that might be present include possible residential, agricultural, and burial features relating to Auae’s (the original *kuleana* owner’s) use.

Fieldwork for the current project was conducted on November 1 and 2, 2007, by Matthew R. Clark, B.A., Ashton K. Dircks, B.A., Johnny R. Dudoit, B.A., and Michael K. Vitousek B.A., under the supervision of Robert B. Rechtman, Ph.D. The survey strategy included a visual inspection of the entire study area utilizing east/west pedestrian transects with fieldworkers spaced at 10-foot meter intervals. The corners of the study parcel were clearly marked in the field with survey markers (pipe or nail in concrete) as was the driveway corridor. Although the vegetation was fairly dense in the eastern portion of the study parcel, fieldworkers adequately identified all archaeological features. Observed archaeological features were placed on a scaled map of the property using a tape and compass, tying them into the known corner points of the study parcel. The features were then cleared of vegetation, recorded in detail, and photographed. Archaeological surface features existing on the study parcel include three formerly stacked core-filled walls that are now mostly collapsed. Two test units were excavated within the study parcel. Subsurface testing revealed middle nineteenth century artifacts of European manufacture such as glass and ceramic fragments, basalt tool production or use, and a small amount of marine and faunal food remains. The lot has been reworked by various natural and human-induced forces through time and the site lacks overall integrity. No archaeological resources were identified in the proposed driveway alignment. As a result of the research, this *kuleana* house lot (LCAw. 9746) was recoded and is identified as part of a larger State Site Complex (50-10-56-4200) that represents a large number of features along the coast in Kalāhiki.

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Impacts and Mitigation for Archaeological Resources

LCAw. 9746 was a *kuleana* house lot occupied during the Historic Period and is considered significant under Criterion D for the information it has yielded relative to *kuleana* land use. The archaeologist has determined that information collected during the current study has been adequate to successfully mitigate any potential impacts to this site resulting from the proposed residence and driveway. No additional mitigation is recommended. The archaeologist submitted the archaeological inventory survey to the State Historic Preservation Division (SHPD) for their review. After an initial letter that did not recognize the driveway portion of the inventory and called for some amendments in the report (see Appendix 1b), SHPD approved the report in a letter of September 21, 2009 (see first page of Appendix 2), with a condition for archaeological monitoring during ground disturbing activities, to which the applicant has agreed.

In the unlikely event that undocumented archaeological resources, including shell, bones, midden deposits, lava tubes, or similar finds, are encountered during construction of the residence or driveway within the current study area, work in the immediate area of the discovery should be halted and SHPD contacted as outlined in Hawai‘i Administrative Rules 13§13-275-12.

Other Cultural Resources and Practices

Appendix 2 also contains an assessment of the cultural value of the project site. The purpose of the assessment was to determine whether the property supported any traditional gathering uses, was vital for access to traditional cultural sites, or had other important symbolic associations for native Hawaiians. Sources for the information included archaeological work, documents and maps, and discussion with native Hawaiians and others knowledgeable about the Kalāhiki area.

As part of early consultation, an effort was made to obtain information about any potential traditional cultural properties and associated practices that might be present, or have taken place in the project area. The Office of Hawaiian Affairs, Clarence Medeiros, Kama‘āina United to Protect the ‘Āina (KUPA), Puka‘ana Church, and a number of neighbors with knowledge of cultural resources and traditional practices were contacted. Responses obtained are contained in Appendix 1a.

Furthermore, the cultural impact assessment included interviews with three individuals (Alfred Medeiros; Louis Alani; and Clarence Medeiros Jr., who had also shared information during early consultation for the EA [see Appendix 1a]) as well as with a small gathering of community members tied to Kama‘āina United to Protect the ‘Āina (KUPA). These interviews were conducted by Robert B. Rechtman, Ph.D. with assistance from Herbert Poepoe. The interviews were informal in nature, meaning that they were not recorded nor transcribed. Interviewees were asked about their relationship to and knowledge of the current study area, about any past and/or on-going cultural practices that took/take place within and around the current study area, and about any cultural impacts that might result from the construction of a single-family residence on the subject parcel. Details of the interviews are contained in Appendix 2.

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In general, although no specific resources were identified that were either within the property or that would be affected by the proposed action, there was agreement that coastal Kalāhiki area was a culturally significant place. Some informants expressed concern about fishing-related activities, goat hunting, canoe landing and launching, and coastal and *mauka-makai* trails. There was particular concern that they did not want to see a vacation rental or a bed-and-breakfast built on the parcel; and 2) that the proposed development would not interfere with the use of a pedestrian trail on the *makai* side of the parcel.

In a letter of March 27, 2008, offering early consultation comments (see Appendix 1a), Clarence Medeiros Jr., stated that there had been no quiet title for the action and that his family has interest in title in various *kuleana*. McCandless ranch has stated that their title to the property is clear and insured. In the absence of a successful legal action by Mr. Medeiros demonstrating title, the concerns are not relevant to the proposed action or its impacts. Mr. Medeiros also claims that he exercises traditional and customary practices in the ahupua‘a, including hunting and gathering for subsistence, ceremonial activities, wood gathering, and accessing spring water, using various access points and sometimes no designated trail. He also noted that other families have and exercise those rights.

In a letter of July 28, 2008, Dennis Ka‘ui Hart, President of the Na Hoa Aloha o ka Pu‘uhonua Honaunau (see Appendix 1a), expressed special concern for the system of ancient and more modern trails and cart roads that make up the *ala loa* and other trails, and in particular, the Ala Kahakai National Historic Trail (see discussion above). Mr. Hart noted that a trail noted on an 1883 map of passed directly *makai* of the project site, and he stated that this would be a part of the Ala Kahakai Trail system. He further asserted that the portion of the trail directly in front of the project site (the “Old Road”) was a steppingstone trail (which subsequent archaeological work disclosed was not the case). In order to protect these cultural resources, Mr. Hart called for archaeological monitoring, and recommended a minimum 50-foot setback from the trail and a 20-foot height limitation on the structure.

Impacts and Mitigation Measures to Other Cultural Resources and Practices

Based on the resources present in the *kuleana* property and driveway and the information related by individuals knowledgeable about the area, the cultural specialist determined that there were no Traditional Cultural Properties, valued natural resources, or cultural beliefs and practices identified to be specifically associated with the property. As a result of the archival review and the consultation process, it was determined that the hunting, fishing, gathering, and ceremonial cultural practices ongoing in the general area discussed by the informants would not be impacted by the construction of a single-family residence on this *kuleana* property. It has been noted that the general area is already well-used by McCandless Ranch personnel and their guests as well as other *kuleana* owners in Kalāhiki, who already visit this and other *kuleana* to fish, gather, and enjoy the beach area. No restriction of access nor effects to *mauka-makai* trails or lateral coastal or other trails would occur. No effects on gathering, hunting or other uses by those claiming traditional and customary rights would occur. The concerns about utilizing the property as a bed

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and breakfast or vacation rental are reasonable concerns generally, but Keith and Cynda Unger have no intention to use their home as a bed and breakfast or vacation rental and are not opposed to a CDUP condition prohibiting such uses.

In terms of the Ala Kahakai National Historical Trail, no impacts are expected. If the “Old Road” in front of the project site is eventually incorporated into the Ala Kahakai, no aspect of the proposed project will adversely affect it. As discussed in Section 1.1, the “Old Road” has been used by four-wheel drive vehicles and foot traffic to laterally access different areas within Kalāhiki, as there are no lateral inland trails and the vegetation is a thick, thorny scrub. The proposed single-family residence would gain access to the existing ranch road from the mauka portion of the lot. This will not impact use of any trail.

Concerning other recommendations from members of the public noted above, because the kuleana lot is small and building space within the setbacks very restricted, the owners are proposing a 40-foot building setback from the shoreline. The proposed building is one story and will not exceed 20 feet in height. Finally, the owner/applicants are not opposed to having an archaeological monitor present during any grading or mechanical grubbing.

The cultural specialist also addressed the issue of the use of the *kuleana* property as a single-family residence as a cultural practice. As discussed in an article on the legal status of *kuleana* by attorney Jocelyn Garovoy in the context of land trusts:

“The *kuleana* lots in areas zoned for Conservation have an associated right to build a house if it can be shown that the parcel was customarily used as a house lot. Hawaii law provides that: “[a]ny land identified as a *kuleana* may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, the construction residence” [Hawai‘i Revised Statute §183C-5] (Garovoy 2005:544).

The established legal rights associated with *kuleana* parcels are based on Hawaiian cultural stewardship values (as documented in the Kuleana Act), which are a significant aspect for defining and maintaining both an individual’s and a community’s cultural identity. The owner of a *kuleana* parcel not only owns the fee-simple land, but also the rights and responsibilities appurtenant to that land. These legal rights are transmitted from one *kuleana* owner to the next. For an assessment of cultural practices and rights, the question then is whether cultural practices can be transmitted from one *kuleana* owner to the next, regardless of ethnicity. Given Hawai‘i’s long history of multi-ethnic communities and the concomitant cross-cultural blending of practices, this is a valid question. A group of adherents to a set of cultural values together form a community of practitioners. As a collective, *kuleana* owners form a group that shares a common set of vested rights and obligations as defined by both Hawaiian cultural values and legal authority. It is pointed out that *kuleana* were not just awarded to people of Hawaiian ancestry, but were also awarded to people of European and other international ancestry. All of the *kuleana* awardees, Hawaiian or otherwise, were actively engaged in the use of their lands, which were jurisdictionally administered by the Hawaiian Government that established the culturally-based

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kuleana laws. One might then argue that if someone were to be denied the ability to build a single-family residence on a *kuleana* parcel that has been identified as having once had a residence on it, not only would they be denied a legal right they would also be denied a valid cultural right.

It is reasonable to conclude that based upon the limited range of resources and the proposed mitigation to all affected resources, the exercise of native Hawaiian rights related to gathering, access or other customary activities will not be affected, and there will be no adverse effect upon cultural practices or beliefs. This Draft EA was distributed to agencies and groups who might have knowledge in order to confirm this finding. Although issues were raised concerning activities in other areas (see Appendix 1b), no cultural impacts related to the proposed action were identified.

3.3 Public Facilities and Utilities

3.3.1 Vehicular Access

Existing Environment, Impacts and Mitigation Measures

The project site is currently accessed via a ranch road from Ho‘okena Beach Road to the coastline just south of the subject *kuleana*. TMK maps show an “Old Road” that runs north along the beach makai of the *kuleana* lot. This roadway is shared by nearby *kuleana* users. Long-term vehicular use of the area where the “Old Road” appears to be located will enhance coastal erosion and may impair coastal habitats. In order to remove potential shoreline impacts due to the proposed residence, the *kuleana* site will be accessed by a new driveway from the existing ranch road to the mauka boundary of the *kuleana* (see map of new access to lot in Appendix 4).

3.3.2 Public Utilities and Facilities

Environmental Setting, Impacts and Mitigation Measures

No public utilities of any kind service the project site. No parks, schools or other facilities are present nearby. The project would utilize a generator for electrical power and human waste would be managed with a composting toilet. There will be no adverse impact to any public or private utilities. As Keith and Cynda Unger already live full-time in South Kona, no additional residents are involved, and there will be no adverse impact or additional demand to public facilities such as schools, police or fire services, or recreational areas.

3.4 Secondary and Cumulative Impacts

Due to its small scale of the proposed project would not produce any major secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. Only one other small single-family home is located in the project area. As pointed out in Section 3.2.3, there was previously a village at Kalāhiki. Most of the parcels are kuleanas. Each kuleana owner could, as of right, use their kuleana for recognized kuleana land uses. The adverse effects of building a single-family residence in this context are very minor and temporary disturbance to air quality, noise, and visual quality during construction. It should once again be noted that this area is isolated from other residences, and no accumulation of adverse construction effects would be expected. Other than the precautions for preventing any effects to water quality during construction listed above in Section 3.1.3, no special mitigation measures should be required to counteract the small adverse cumulative effect.

The coastal area of South Kona, and particularly the project area, has a distinctly rural character. Ho‘okena State Park is a popular destination for residents, but is located more than 0.6 miles from the project site. While use of kuleana properties in the area for approved kuleana uses would gradually lessen the wilderness character, the rebuilding of homes on kuleana in Kalāhiki Village would be consistent with a legally and culturally appropriate land use. The Ungers are not aware of any kuleana owners planning to build single-family residences and the change from this small project would be incremental and not significant. Conversely, restoring residences to this area is in keeping with its historical and traditional *kuleana* uses.

3.5 Required Permits and Approvals

County of Hawai‘i:

Special Management Area Permit or Exemption
Plan Approval and Grubbing, Grading, Building Permits

State of Hawai‘i:

Conservation District Use Permit

3.6 Consistency With Government Plans and Policies

3.6.1 County of Hawai‘i General Plan

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

ECONOMIC GOALS

- (a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- (b) Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.
- (d) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Discussion: The proposed project is in balance with the natural, cultural and social environment of the County, would create temporary construction jobs for local residents, and would indirectly boost the economy through construction industry purchases from local suppliers. A multiplier effect takes place when these employees spend their income for food, housing, and other living expenses in the retail sector of the economy. Such activities are in keeping with the overall economic development of the island. Pre-contact native Hawaiians identified residential use of the kuleana as the most desirable use of this land. Building a personal single-family home on this kuleana maintains a viable and sustainable quality of life.

ENVIRONMENTAL QUALITY GOALS

- (a) Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.
- (b) Maintain and, if feasible, improve the existing environmental quality of the island.
- (c) Control pollution.

ENVIRONMENTAL QUALITY POLICIES

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

ENVIRONMENTAL QUALITY STANDARDS

- (a) Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and well being, through the enforcement of appropriate Federal, State and County standards.
- (b) Incorporate environmental quality controls either as standards in appropriate ordinances or as conditions of approval.
- (c) Federal and State environmental regulations shall be adhered to.

Discussion: The proposed project would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. The home and associated improvements would be compatible with the existing rural single-family homes and

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recreational uses in the area. Pertinent environmental regulations would be followed, including those for mitigation of water quality impacts.

HISTORIC SITES GOALS

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

HISTORIC SITES POLICIES

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

Discussion: The inventory survey performed for the property has properly documented and mitigated impacts to historic sites. The continuation of the use of the kuleana as a home is consistent with historical and cultural uses and upholds a legal right of the kuleana owner.

FLOOD CONTROL AND DRAINAGE GOALS

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

FLOOD CONTROL AND DRAINAGE POLICIES

- (a) Enact restrictive land use and building structure regulations in areas vulnerable to severe damage due to the impact of wave action. Only uses that cannot be located elsewhere due to public necessity and character, such as maritime activities and the necessary public facilities and utilities, shall be allowed in these areas.
- (g) Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

FLOOD CONTROL AND DRAINAGE STANDARDS

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

Discussion: The property is within the Zone X, or areas outside of the 500-year Floodplain as determined by detailed methods in the community flood insurance study, according to the Flood Insurance Rate Maps (FIRM). The project will conform with applicable drainage regulations and policies of the County of Hawai‘i.

NATURAL BEAUTY GOALS

- (a) Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- (b) Protect scenic vistas and view planes from becoming obstructed.
- (c) Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

NATURAL BEAUTY POLICIES

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

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

NATURAL RESOURCES AND SHORELINES GOALS

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

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

NATURAL RESOURCES AND SHORELINES POLICIES

- (a) Require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.
- (c) Maintain the shoreline for recreational, cultural, educational, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public.
- (d) Protect the shoreline from the encroachment of man-made improvements and structures.
- (h) Encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.
- (p) Encourage the use of native plants for screening and landscaping.
- (r) Ensure public access is provided to the shoreline, public trails and hunting areas, including free public parking where appropriate.
- (u) Ensure that activities authorized or funded by the County do not damage important natural resources.

Discussion: The proposed project avoids impact on shoreline resources by remaining located 40 feet behind the shoreline setback.

3.6.2 Special Management Area

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

The proposed improvements are not likely to result in any substantial adverse impact on the surrounding environment. The house site is set back from the shoreline and will not restrict any shoreline uses such as hiking, fishing or water sports. Lateral pedestrian use of the shoreline area will not be impacted and there will be no effect on the public's access to or enjoyment of this shoreline area. Furthermore, viewplanes towards the project site will not be adversely impacted, as the property is located a significant distance from nearby roadways or sensitive viewsheds. It

is expected that the project will not result in any impact on the biological or economic aspects of the coastal ecosystem. The project site is not situated over any major natural drainage system or water feature that would flow into the nearby coastal system. The property contains few native plants and none that are uncommon. No floodplains are present in the area. Flood Insurance Rate Maps (FIRM) delineate the areas of the property in which construction would occur as Zone X, outside the floodplain. In terms of beach protection, construction is set back from the shoreline and would not affect any beaches nor adversely affect public use and recreation of the shoreline in this area. No impacts on marine resources are likely to occur. Historic sites and cultural uses have been properly assessed.

As of the writing of this Final EA, the issue of whether and when the driveway as well as the home will be determined by the Planning Department to be exempt from the requirement for an SMA permit has not been resolved.

3.6.3 Conservation District

The property is in the State Land Use Conservation District, Limited subzone. Any proposed use must undergo an examination for its consistency with the goals and rules of this district and subzone. The applicant has concurrently prepared a Conservation District Use Application (CDUA), to which this EA is an Appendix. The CDUA includes a detailed evaluation of the consistency of the project with the criteria of the Conservation District permit process. Briefly, the following individual consistency criteria should be noted:

1. The proposed land use is consistent with the purpose of the Conservation District;

The development of the single-family residence is conformant with the purpose of the Conservation District. The proposed use of the subject property for a single-family residence, an identified use in the Conservation District, and management of the site will conserve, protect and preserve the natural features on the subject property. The proposed use will not impact the lateral public access or the public's ability to utilize the coastal resources that front this property. No valuable natural or cultural resource would be committed or lost. No native ecosystems are present.

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

The objective of the limited subzone “...is to limit uses where natural conditions suggest constraints on human activities.”

Floodplain status for many areas of the island of Hawai‘i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program’s Flood Insurance Rate Maps (FIRM) (Fig. 5). The area is classified as Zone X, outside the mapped 500-year floodplain.

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A single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in this chapter.

Because the proposed use is a kuleana land use under HAR § 13-5-22, P-3, D-1, and HRS § 183C-5, the proposed use as a single family residence is not subject to the same conditions as “single family residence” under HAR § 13-5-23, L-6, D-1. In other words, a kuleana use (here, a single family residence) is permitted in the Limited Subzone even if it is within Zone X. HAR § 13-5-23(b) says that land uses identified in HAR § 13-5-22 and land uses identified in § 13-5-23 may be permitted in the Limited Subzone. Thus, uses permitted by § 13-5-22, P-3,D-1, are permitted in the limited subzone without having to meet the requirements of HAR § 13-5-23, L-6, D-1. HRS § 183C-5 also states that:

Any land identified as a kuleana may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, the construction of a single family residence. Any structures may be subject to conditions to ensure they are consistent with the surrounding environment.

The proposed dwelling will be built to comply with all federal, State and County regulations to insure that the structure will be safe and there will be no risk to the inhabitants.

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

The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawai‘i Revised Statutes (HRS), entitled *Coastal Zone Management*, as discussed above in Section 3.6.2.

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

Because of the relatively minor nature of the project and the lack of native terrestrial ecosystems and threatened or endangered plant species, construction and use of the property for a single-family residence is not likely to cause adverse biological impacts. The applicant is planning to implement low-key landscaping with native and Polynesian plants. No effect on any coastal ecosystem will occur, both because of the lack of well-developed native community on or in front of the property and the fact that no activities are planned for the shoreline area. The precautions for preventing any effects to water quality during construction should prevent any adverse impact on aquatic biological resources in coastal waters.

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The proposed action would include mitigation measures to prevent soil erosion. The proposed project will have no adverse impacts to historic sites or to the scenic character of the area. No substantial adverse impact will occur to existing natural resources. The proposed use of the subject property for a single-family residence and commitment to management of the site will help conserve, protect and preserve the natural and historic features of the area.

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

The proposed use is consistent with historical land use in this area of *kuleana* single-family residences. The home will have a low-key design, one-story with 2,046 square feet (sf) (1,403 sf interior, 633 sf lanai and porch. These structures and uses will not adversely affect the surrounding properties or how these properties are utilized.

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

The proposed use of the subject property for a single-family residence and commitment to management of the site will help conserve, protect and preserve the natural features of the area. The physical beauty characteristics of the existing lot will be enhanced by landscaping with native and Polynesia species, which would replace the mostly alien vegetation that currently dominates the lot.

The single-family residence would only be visible from the shoreline and ocean directly *makai* of the structure due to existing obstructing vegetation on three sides. The residence would not be visible from Ho'okena County Park or Highway 11, or any other sensitive shoreline area. Restoring residences to this area is in keeping with its historical and traditional *kuleana* uses.

7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District;

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

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

The general area is already in use for recreation by the landowners of the area and the proposed single-family residence in will not be detrimental to the public health, safety, and welfare.

PART 4: DETERMINATION, FINDINGS AND REASONS

4.1 Anticipated Determination

Based on the information presented in the Draft EA, the information provided in the comment letters to the Draft EA, and the responses to those comments, the applicant expects that the State of Hawai‘i, Department of Land and Natural Resources, will determine that the proposed action will not significantly alter the environment, as impacts will be minimal, and that this agency will accordingly issue a Finding of No Significant Impact (FONSI).

4.2 Findings and Supporting Reasons

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resource would be committed or lost. Native plant communities are not present. Impacts to archaeological resources have been mitigated through data recovery during the inventory survey. No valuable cultural resources and practices such as coastal access, fishing, gathering, hunting, or access to ceremonial will be affected in any way.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur by revival of residential use on this *kuleana* lot.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State’s long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State’s long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will not have any substantial effect on the economic or social welfare of the Big Island community or the State of Hawai‘i.
5. *The proposed project does not substantially affect public health in any detrimental way.* The project will not affect public health and safety in any way.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* The small scale of the proposed project will not produce any major secondary impacts, such as population changes or effects on public facilities.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign, and thus it would not contribute to environmental degradation.

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

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

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

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

12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* The single-family residence would only be visible from the shoreline and ocean directly *makai* of the structure due to existing obstructing vegetation on three sides. The residence would not be visible from Ho'okena County Park or Highway 11, or any other sensitive shoreline area.

13. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction.

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

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ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

ASSOCIATED IMPROVEMENTS IN THE

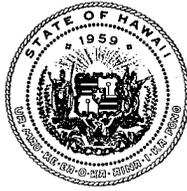
CONSERVATION DISTRICT

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPENDIX 1a

Comments in Response to Pre-Consultation

LINDA LINGLE
GOVERNOR



BARRY FUKUNAGA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

HAWAII DISTRICT
50 MAKAALA STREET
HILO, HAWAII 96720
TELEPHONE: (808) 933-8866 • FAX: (808) 933-8869

IN REPLY REFER TO:

HWY-H 07-2.1087

November 19, 2007

Mr. Ron Terry
Principal
Geometrician Associates, LLC
P.O. Box 396
Hilo, Hawai'i 96721

Dear Mr. Terry:

SUBJECT: Early Consultation on Environmental Assessment for Construction of a Residential Structure in the Conservation District
T.M.K. 3rd Div. 8-6-014:012
Project No. FAP 8-B
Route 11, Mamalahoa Highway
Kalahiki, South Kona, Island of Hawai'i, Hawai'i

Thank you for your transmittal requesting our review of the subject project.

The project may not directly affect our highway facilities provided sufficient information is provided in the environmental assessment. It is our understanding that the County of Hawaii has jurisdiction over the driveway access to Hookena Beach Road.

If this is not the case please provide detailed information on the exact location of the driveway access to the state highway.

We appreciate your providing this advance notice and for the opportunity to provide comments.

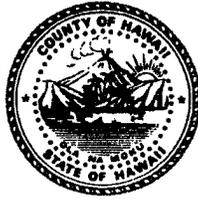
If you have any questions please call Mr. Clinton Yamada at 933-1951.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stanley M. Tamura".

STANLEY M. TAMURA
Hawai'i District Engineer

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

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

November 13, 2007

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

Dear Mr. Terry:

Subject: Pre-Assessment Consultation for Draft Environmental Assessment (EA)
Project: McCandless Ranch Residential Structure in Conservation District
Tax Map Key: (3) 8-6-14:12

This is in response to your letter dated November 2, 2007, in which you requested our comments on any special environmental conditions or impacts related to the proposed development.

The subject 0.20-acre property is situated in the County of Hawaii's Special Management Area and the State Land Use Conservation district.

A Special Management Area (SMA) Use Permit Assessment Application is required for review against the SMA guidelines by the Planning Department for the issuance of a determination by the Planning Director that the proposed project does not present a cumulative impact or a significant adverse environmental or ecological effect on the SMA, and that no activities or structures are proposed within the shoreline setback area.

Mr. Ron Terry
Geometrician Associates, LLC
Page 2
November 13, 2007

We look forward to reviewing the EA, certified shoreline survey, botanical survey, and archaeological inventory mentioned in your letter. Please provide this office with a copy of these documents when they become available. Should you have questions, please contact Maija Cottle of my staff at 961-8288 extension 253.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

MJC:cd

P:\wpwin60\Maija\EA-EIS\Pre-Consult Comments\Geometrician McCandless Ranch 8-6-14-12 Pre-cmnts.doc

Dear Mr. Terry:

Your notification (attached) regarding your work for McCandless Ranch on their TMK 3-8-6-14:12 was forwarded to me by our Puka'ana Church.

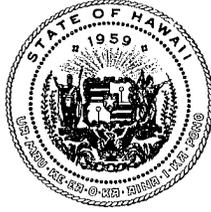
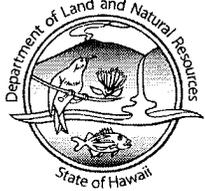
Hawaii Conference Foundation holds title to a 7,480 s.f. parcel being the Kalahiki church site TMK: 3-8-6-14-2. The improvements are vacant church ruins surrounded by a perimeter rock wall.

We are deeply interested in any activity that takes place near that site and would appreciate a copy of your Environmental Assessment report.

Aloha,

John M. Derby, Sr.
Executive Secretary
Hawaii Conference Foundation
1848 Nu'uuanu Avenue
Honolulu, HI 96817-2426
✉ jderby@hcucc.org
☎ 808-791-5638
📠 808-521-7196
Neighbor Islands: 800-734-76210 ext. 638
Web Site: <http://www.hcucc.org>

LINDA LINGLE
GOVERNOR OF HAWAII



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
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

REF:OCCL:TM

Correspondence: HA 08-94

NOV 28 2007

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

Dear Mr. Terry,

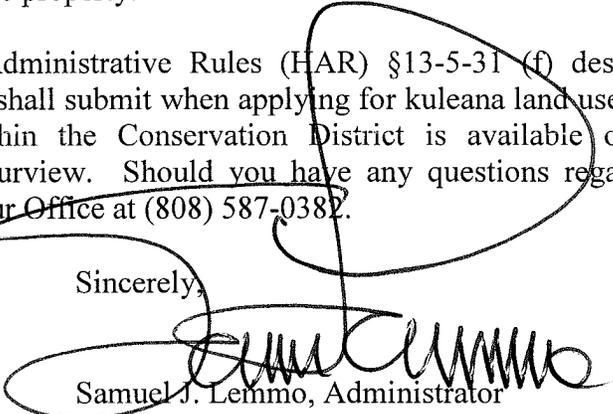
SUBJECT: Proposed Construction of a Residential Structure Located at Kalahiki, South Kona, island of Hawaii, TMK: (3) 8-6-014: 012

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your correspondence regarding the subject matter. According to your information, the landowner, McCandless Ranch, is proposing to build a residential structure on a .20-acre kuleana parcel noted as Land Commission Award (L.C.A.) 9746-C-1. The Ranch plans to utilize the residential structure for residential and recreational stays for ranch owners, employees, and guests. The majority of the site shall remain as is. Associated improvements include a composting toilet, electrical generator, a propane tank, driveway and minimal landscaping.

The OCCL notes the subject parcel appears to lie within the Limited subzone of the Conservation District. What is being proposed is not an identified land use within the Conservation District. Kuleana land uses are described as agriculture and a Single Family Residence, if applicable, when such land use was historically, customarily and actually found on the property. A Single Family Residence is a home for one family, not a variety of unrelated individuals that intermittently utilize the property.

For your information, the Hawaii Administrative Rules (HAR) §13-5-31 (f) describes the required information that an applicant shall submit when applying for kuleana land use. Chapter 13-5, HAR regarding land use within the Conservation District is available on line at www.hawaii.gov/dlnr/occl for your purview. Should you have any questions regarding this matter, please contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,


Samuel J. Lemmo, Administrator

Office of Conservation and Coastal Lands

C: Chairperson
HDLO
County of Hawaii, Department of Planning

**Dennis Ka'ui Hart
P.O. Box 1441
Kealakekua, HI 96750**

July 28, 2008

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

RE: Early consultation for Environmental Assessment for construction of a residential structure in the Conservation District of Kalahiki, South Kona, TMK (3) 8-6-14:12

Aloha,

My name is Dennis Ka'ui Hart and I am the President of Na Hoa Aloha o ka Pu'uhonua O Honaunau, a non-profit organization that helps support the National Historic Park in its preservation and perpetuation of programs and objectives, including trail maintenance.

Also, I am on the advisory Board of the Ala Kahakai Trail Association, another non-profit organization which partners with the Ala Kahakai National Historic Trail of the U.S. Department of the Interior. In this capacity, I work with a group of dedicated volunteers who have been clearing our trails every weekend for two years.

Our group consists of local ahupua'a descendants and South Kona residents. Our goal is to establish an Adopt-a-Trail program, through which interested descendants of the land, organizations, and individuals care for their own section of these trails and conduct guided walks for educational purposes. Eventually we intend to connect all the ancient villages along the entire 176 mile Ala Loa Trail or King's Trail.

The Ala Loa and the Ala Kahakai/stepping stone trails, along with mauka-makai trails, are located within the Kalahiki ahupua'a. The proposed residential structure at TMK (3) 8-6-14:12 also lies within this ahupua'a. I would like to provide comments to the Environmental Assessment for the construction of this residence.

The Ala Kahakai/stepping stone trail runs right in front of the above-mentioned parcel. This is a public right-of-way and should not be blocked or altered. The trail is identified in the Map of Kauhako Land and Vicinity by J.S. Emerson, surveyor, May 1883, Reg#985. This map also identifies the Ala Loa and the map predates the Highway Act of 1892. Therefore, preservation of this trail is of the highest importance to our descendants and the integrity of the Ala Kahakai National Historic Trail.

Therefore we are making the following requests to ensure appropriate development of this parcel in the context of this historic treasure:

- 1) Preserve and protect the Ala Kahakai/stepping stone trail by assigning a full-time archaeologist to monitor construction crews and any machine work done before and during construction of the residence. Accidental destruction of the trail should not be possible with such monitoring.
- 2) A minimum set back of 50' from the property line bordering the trail, to ensure mauka views planes and an appropriate reverence for the importance of the trail.
- 3) Mauka view planes should be preserved by restricting the residence to one story with a maximum height limit of 20'. The structure should be designed in such a way as to fit in with the natural character and ambiance of the area, and not dominate the environment in the area of the trail.
- 4) The landowner must not endeavor to block access to the Ala Kahakai Trail or the Ala Loa Trail.
- 5) The landowner must not endeavor to block access or destroy associated mauka-makai trails, and must allow descendents and kuleana owners unrestricted access to their kuleana parcels.

We would also like the preservation plan to include a provision for ahupua'a descendents and trail preservation groups such as ours unrestricted access to the trails for maintenance, education, as well as customary traditional, religious and cultural practices.

I appreciate your kind attention to these matters, which are of great importance to native Hawaiians. Your attention to these matters will ensure the integrity of this section of the 176 mile long Ala Kahakai Trail. I may be contacted at the address above, email dennishart47@yahoo.com or at my cell #937-6039.

Mahalo,



Dennis Ka'ui Hart

Cc: U.S. Representative Mazie Hirono
Brenda Ford, Hawaii County Council
Robert Jacobsen, Hawaii County Council
Morgan Davis, State of Hawaii Historic Preservation Division
Clem Chang, DLNR Forestry Division
Randy Lavato, Hawaii County Planning Department

DATE: March 27, 2008
TO: Ron Terry, Geometrician Associates
FROM: Clarence A. Medeiros, Jr.
SUBJECT: Early Consultation on Environmental Assessment for Construction of a Residential Structure in the Conservation District at Kalahiki, South Kona, TMK 8-~~14~~-14:12.

6 RS per CM

I would like to provide input on site conditions and other issues and concerns that will/may impact cultural and historic sites due to the proposed construction project and attach documentation to support those issues and concerns.

EXHIBIT A: March 2003 Questionnaire for Kalahiki Makai in Civil No. 97-013995 DAE, USA vs. 2,145 Hectares, Les Marks Heirs, et al.

- There has been no judicial determination by quiet title action and/or by probate done for the ahupua'a of Kalahiki below the 2000' elevation and for the kuleana within.
- My grandmother and other family members may have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki, per Probate No. 91-187 of Annie Weeks.
- I exercise customary and traditional practices in Kalahiki. My access is unrestricted. One of my traditional and customary practices is hunting and gathering for subsistence which follows no designated path, trail, road, etc. Other accesses that I use to visit Kalahiki include: the Waiea mauka/makai trail, the Honokua mauka/makai trail, the Ala Kahakai, the Ala Loa, the Kalanipo'o Road that runs in, to and through Honokua, Waiea, and Kalahiki.
- My customary practices include but are not limited to: Gathering of medicinal and ornamental plants, foliage, and flowers; hunting, fishing and gathering for subsistence; gathering wood for cooking; give ho'okupu and to malama our 'ohana iwi and piko burials, both ground and cave; access to spring water; cutting logs.
- There is a fresh water spring in Kalahiki and I claim access rights to those waters.

- Families that have an interest in Kalahiki include the Toomey 'ohana, Kekuewa 'ohana, Fukushima 'ohana, Moa 'ohana, Takaki 'ohana, Puhipau 'ohana, Keala 'ohana, Kaleohano 'ohana, Umauma 'ohana, and the Evangelical Association.

EXHIBIT B: TMK 8-6-14 Map

This map identifies the Ala Kahakai as the “Old Road” that runs in front of the subject parcel. The Ala Kahakai is a right of way and should not be blocked or altered.

EXHIBIT C: October 30, 1996 Hawaii County Planning Commission written testimony

I am a relative of Kinimaka, the original awardee of the ahupua'a of Kalahiki.

Probate No. 91-187, Estate of Annie Hua aka Annie Ah Sing Weeks. Annie Hua (aka Annie Aman Sing Hua Weeks) is my maternal grandmother and her probate lists her undivided interest in numerous real property, to include an undivided interest in portions of Kalahiki.

EXHIBIT D: Affidavit of Clarence A. Medeiros, Sr.

My father, at various times of his life, lived in Kalahiki. His great grandfather, John Mokuohai Puhalahua, was a renown master carver of koa canoes. Mokuohai planted and harvested ti plants in Kalahiki and also had several taro patches in Kalahiki. He also hunted the unbranded wild cattle that roamed unrestrained throughout the ahupua'a of Kalahiki, salted the meat and sold it. He would also drive wild goats into a stone goat pen. He would slaughter the goats, skin them, dry the meat and sell it. He also harvested ohia wood from the forests in Kalahiki and then sold it to the supply ships who used it for fuel. He also harvested guava in Kalahiki for charcoal. His ancestors cultivated taro, harvested guava, hapu'u, ohia, and koa and hunted wild cattle and raised their pigs, donkeys, and cattle in Kalahiki. Mokuohai used and cared for the lands in Kalahiki because his cousin, Kinimaka, the original LCA awardee of Kalahiki, lived most of the time in Holualoa, North Kona.

EXHIBIT E: Assessment on Traditional Cultural Practices Related to Burial Sites

The practice of keeping portions of your loved ones remains in close proximity is a traditional Hawaiian practice. Iwi of family members were often buried in or around the place of dwelling to provide a sense of proximity for both security and companionship. Occasionally they buried their dead in sequestered places, at a short distance from their habitations, but frequently in their gardens, and sometimes in their houses. These views are supported by archaeological evidence today when burials are found directly incorporated into house platforms. Burying loved ones under or near ones home is a traditional Hawaiian practice. Traditionally, a family had an area where they would lay to rest member of their 'ohana. Such a place could be under or near the home, in a family cave or in a portion of a sand dune.

EXHIBIT F: John Reinecke's 1930
Survey of Hawaiian Sites from Kailua-Kona to Kalahuipua'a

Along the coastline of Kalahiki, Reinecke found yards with well-built walls and with the church, it indicated a considerable population. Half of the yards bore signs of house sites. Two paved paths ran mauka besides other well-defined unpaved paths. The cliffs Palianihi was certainly used for burials and Reinecke's report cites Stokes as identifying a heiau call Pokaa located by the Old Government Road in Kalahiki.

EXHIBIT G: Kona Historical Society research information on Kalahiki

Two murdering chiefs served under Kamehemeha. They killed people at Kalahiki and Kealia and used their bodies for shark bait. (Kamakau 1961, Ruling Chiefs, page 232).

According to Z. P. Kalokuokamaile, the reason for the bestowal of the name of Kalahiki was for the men's work on the chief's day (la ko'ele). When the tenants gathered at the place of work, they did not work right away. When the sun came up, then they worked. So it was every day, it was their watch (clock). For this was the bestowal of the name of this land, Kalahiki: the sun's arrival.

EXHIBIT H: Boundary Commission Testimony of Palea (k)

Palea (k), sworn, was born at Kalahiki and testifies that the lands of Kalahiki have ancient fishing rights extending out to sea. Palea is my maternal great-great-granduncle.

EXHIBIT I: May 1883, Reg. #985, Map of Kauhako Landing & Vicinity
by J. S. Emerson, Surveyor

This map illustrates that the Ala Loa and the Ala Kahakai, aka Stepping Stone Trail, are two separate and distinct right of ways and predates the Highways Act of 1892.

The developer must:

- Preserve and protect Old Road aka Ala Kahakai.
- Not block access to Old Road aka Ala Kahakai.
- Not block access to mauka-makai trail(s) and allow descendants to access their kuleana.
- Allow descendants of Kalahiki to exercise their traditional and cultural practices, to include their ancient fishing rights.

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hawai'i 96721 rterry@hawaii.rr.com

November 2, 2007

Dear Agency/Organization Official or Neighboring Resident:

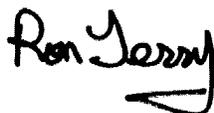
Subject: Early Consultation on Environmental Assessment for Construction of a Residential Structure in the Conservation District at Kalahiki, South Kona TMK 8-6-14:12

I have been contracted by landowner McCandless Ranch to prepare an Environmental Assessment (EA) in compliance with Chapter 343, HRS. The ranch plans to build a residential structure on a 0.20-acre kuleana property, Land Commission award number 9746-C-1, located near the shoreline at Kalahiki, South Kona (see attached map). According to Mahele testimony, the property formerly supported a residence. The EA is necessary because the property is within the State Land Use Conservation District, and the EA will accompany a Conservation District Use Application. This letter is to share information about the project and request your input on site conditions, issues that you wish to be addressed in the EA, and any other concerns you may have.

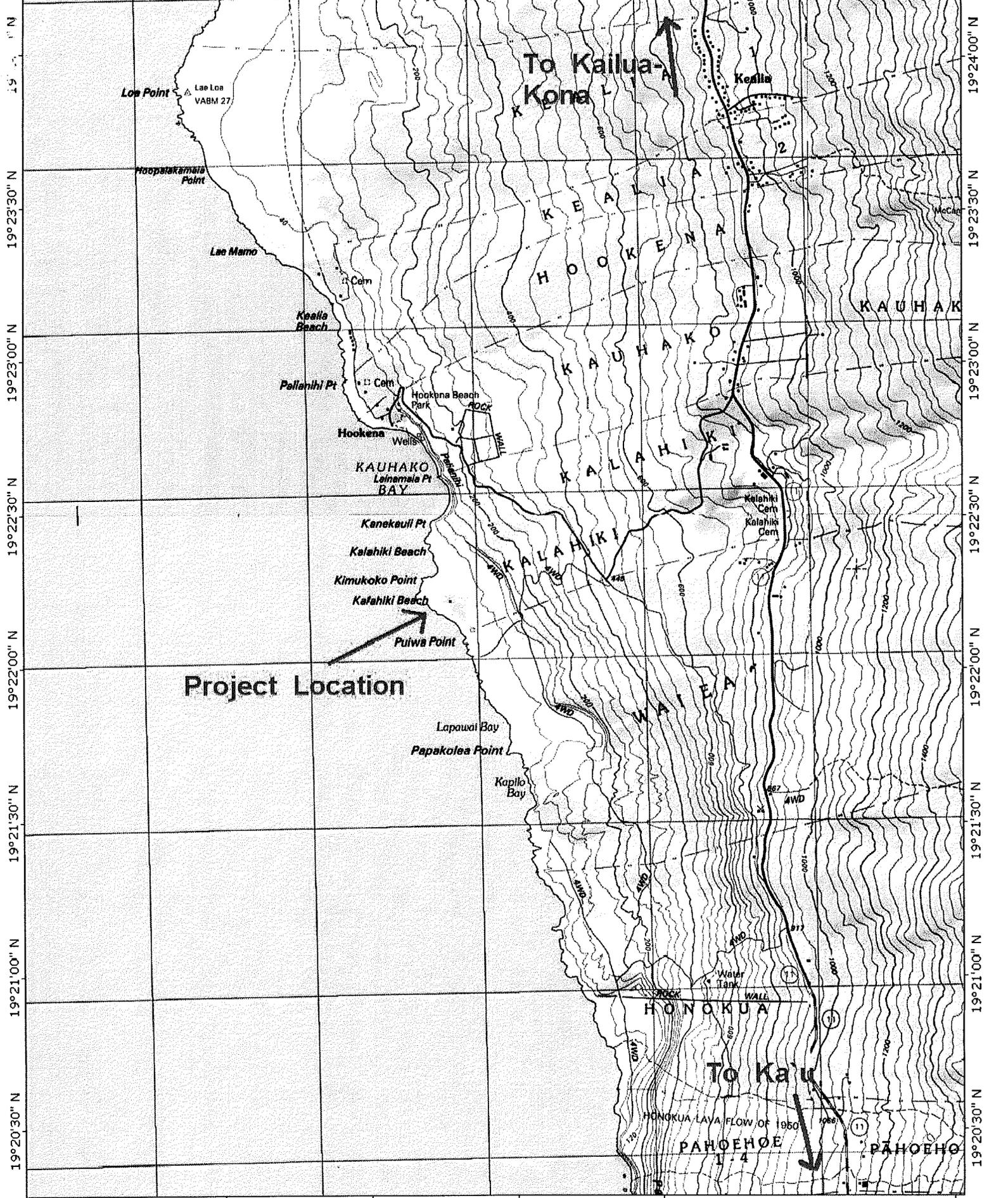
The ranch plans to utilize the residential structure for residential and recreational stays for ranch owners, employees, and guests. The design involves a low, single-story structure. Most of the site will be left basically as-is and there will be minimal disturbance of any natural or man-made features on the property. Associated improvements include a composting toilet and enclosing structure, an electrical generator, a propane tank, a driveway, and minimal landscaping using the species of plants, mostly natives or Polynesian introductions, that are already found in the area. The EA will include illustrations of the design, which are still under development.

The areas of investigation in the EA will include but not be limited to the following: water quality assurance; wastewater treatment; flora, fauna, and ecosystems; traffic impacts; geology, soils, and hazards; flooding and drainage impacts; social, cultural and community impacts; historic sites; and economic impacts. As part of the EA, a certified shoreline survey, a botanical survey, and an archaeological inventory will be conducted. I would appreciate your comments on any special environmental conditions or impacts related to the development. Please contact me at (808) 969-7090 (Big Island) if you have any questions or require clarification. Kindly indicate whether you wish to receive a copy of the EA when completed.

Sincerely,



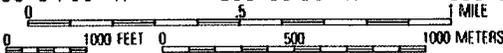
Ron Terry, Principal
Geometrician Associates



Project Location

To Kailua-Kona

To Hilo



March 3, 2003

Questionnaire for Kalahiki Makai

1. Do you own a parcel in Kalahiki makai? NO

If yes, please answer the following questions:

Can you provide us with a copy of your deed or other proof of ownership?

n/a

Can you locate your parcel and are the perimeters visible?

n/a

Can you provide us with a copy of a modern metes and bounds description or any legal description of your property?

n/a

Have you ever surveyed your property? If yes, how long ago, are the survey pins visible and could you provide us with a survey map?

n/a

Do you know of any other parties that are also claiming ownership in your parcel?

n/a

Do you have title insurance to your property, or have you ever done a title search of your property?

n/a

Can you demonstrate that your parcel is a kuleana that can be traced back to the Great Mahele?

n/a

Have you been paying Real Property Taxes on your property, and for how long?

n/a

Have you ever visited your property in Kalahiki. If yes, how frequently do you visit, how long ago was your last visit and what access did you use?

See attached

EXHIBIT

A

Do you know of any archaeological features on your property?

YES

2. Do you claim to exercise customary or traditional practices in Kalahiki?

YES

If yes, please answer the following questions:

A Are you of Hawaiian ancestry? YES

B Do you have a genealogy that can be traced to the ahupua'a of Kalahiki? If yes, could you provide us a copy of your genealogy. SEE ATTACHED

C Have you historically exercised any traditional or customary practices in Kalahiki? YES

D If yes, on what basis do you claim these rights, what traditional or customary practices have you exercised, how long have you been exercising these practices, how often did you visit Kalahiki to exercise these practices and what had been your access?

SEE ATTACHED

3. Do you own or have you previously owned property in the ahupua'a of Kalahiki?

NO

4. Are you presently a "lawful occupant" of Kalahiki. (A lawful occupant of Kalahiki is defined as an actual current resident of the ahupua'a.)

NO

5. Were you a party to the Quiet Title action pertaining to Kalahiki (United States of America, Plaintiff, vs. The Les Marks Trust, Defendants CV. NO. 97-01395 DAE)?

YES

6. Is there any other claim you may have to the area? If yes, what is the factual and legal basis for your claim?

SEE ATTACHED

7. Do you know of any other party that is claiming any parcel or right in Kalahiki? If so, please advise us of the name of the claimant and the rights of interests they claim.

SEE ATTACHED

8. Can you identify any valued cultural, historical, or natural resources in the Kalahiki makai area and provide any information you have as to the extent to which traditional and customary native Hawaiian rights are exercised in the Kalahiki makai area. Please provide as much detail as you can with respect to the identity and scope of the resources and practices and the identity of persons or persons exercising such practices.

YES

9. Are you familiar with any old trails or roads in this area, especially any mauka/makai access trails?

YES

10. Are you familiar with any of the historic ranching activities in this area (livestock pens, water pens, windmills, water wells)?

SOMEWHAT

Please answer whatever questions may apply to you, sign and date your response and return to McCandless Land & Cattle Co. Attn: Keith Unger POB 500 Honaunau, Hi. 96726. Also please enclose a copy of any documents that will help to verify your claim to Kalahiki (deed, title report, genealogy, maps, legal descriptions.) I have enclosed a copy of a TMK map for your use and/or for your files. Please feel free to mark on the map and to return it with this questionnaire.

Thank you for your cooperation in filling out this questionnaire. I will provide to you a summary of the responses as well as our progress in developing an access agreement to Kalahiki makai.

Please feel free to contact Keith Unger at McCandless Land & Cattle Co. 808- 328-8246, with any questions.

**Attachment to the
Questionnaire for Kalahiki Makai**

1. Do you own a parcel in Kalahiki makai?

Have you ever visited your property in Kalahiki. If yes, how frequently do you visit, how long ago was your last visit and what access did you use?

Answer: I do not own a parcel in Kalahiki makai, however, because there has been no judicial determination by quiet title action and/or by probate done in the ahupua'a of Kalahiki below of the 2000 ft. elevation and in the kuleana within, my grandmother and other family members have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki, per Probate No. 91-187.

My last visit was about five years ago and I visit occasionally as the need arises. My access is unrestricted. One of my traditional and customary practices is hunting and gathering for subsistence which follows no designated path, trail, road, etc. Other accesses that I use to visit Kalahiki include: The Waiea mauka/makai trail, the mauka/makai trail and Ala Kahakai in Honokua, the Kalanipo'o Road aka the Old Gov't. Road that runs in and/or through Honokua, Waiea and Kalahiki.

2. Do you claim to exercise customary or traditional practices in Kalahiki?

Do you have a genealogy that can be traced to the ahupua'a of Kalahiki? If yes, could you provide us a copy of your genealogy.

Answer: Yes. Refer to Michael Gibson, RE: Civil 97-01395 DAE.

If yes, on what basis do you claim these rights, what traditional or customary practices have you exercised, how long have you been exercising these practices, how often did you visit Kalahiki to exercise these practices and what had been your access?

Answer: Because there has been no judicial determination by quiet title action and/or by probate done in the ahupua'a of Kalahiki below of the 2000 ft. elevation and in the kuleana within, my grandmother and other family members have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki per Probate No. 91-187. My traditional and

customary practices include:

- Gathering of medicinal and ornamental plants, foliage and flowers
- Hunting and gathering for subsistence
- Fishing
- Gathering wood for cooking
- Give ho'okupu and to malama our 'ohana *iwi* and *piko* burials, both ground and cave.
- Access to spring water
- Cutting logs

Also see answer to question #1.

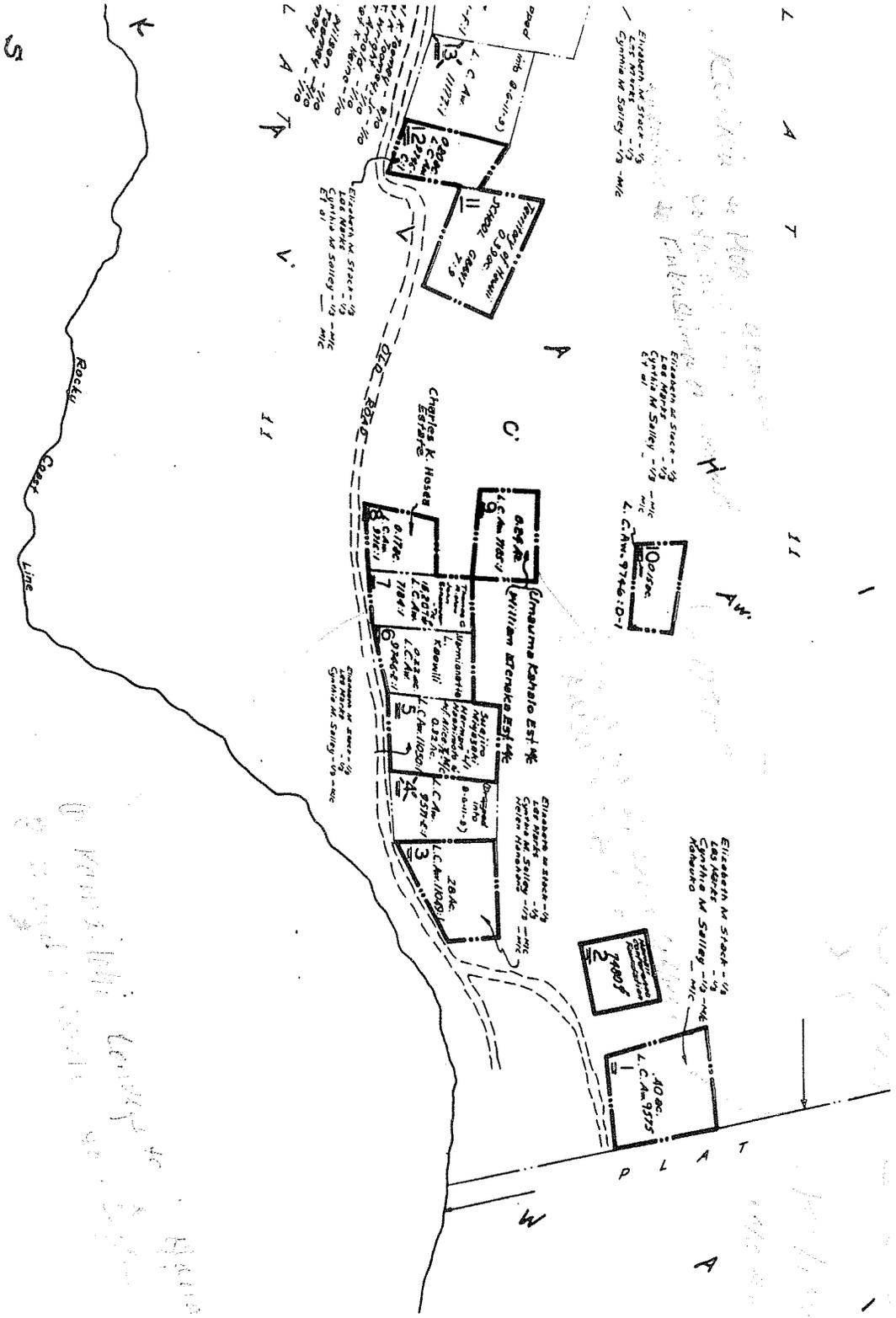
6. Is there any other claim you may have to the area? If yes, what is the factual and legal basis for your claim?

There is a fresh water spring there and I claim access rights to those waters. The ground water in Hawai'i does not belong to the landowner but to the State of Hawai'i.

7. Do you know of any other party that is claiming any parcel or right in Kalahiki? If so, please advise us of the name of the claimant and the rights or interests they claim.

Answer: Heirs of McCandless, Toomey 'Ohana, Kekuewa 'Ohana, Fukushima 'Ohana, Moa 'Ohana, Takaki 'Ohana, Puhipau 'Ohana, State of Hawaii, County of Hawaii, Evangelical Assn.

NOTE: Be advised that my participation in the answering of this survey in no way constitutes admission, acceptance or recognition of McCandless Land & Cattle Co.'s assertion to exclusive ownership in the ahupua'a of Kalahiki below of the 2000 ft. elevation. To date, no judicial determination of ownership by quiet title action has been performed on the subject property and on the kuleana within.



ADVANCE SHEET
SUBJECT TO CHANGE

| | |
|--------------------|-----------|
| THIRD | DIVISION |
| ZONE | SEC. PLAT |
| 8 | 6 14 |
| CONTAINING PARCELS | |
| SCALE: 1" = 100' | |

Parcel dropped: 14, 4, 13, 17, 18,

3 1797

PRINTED

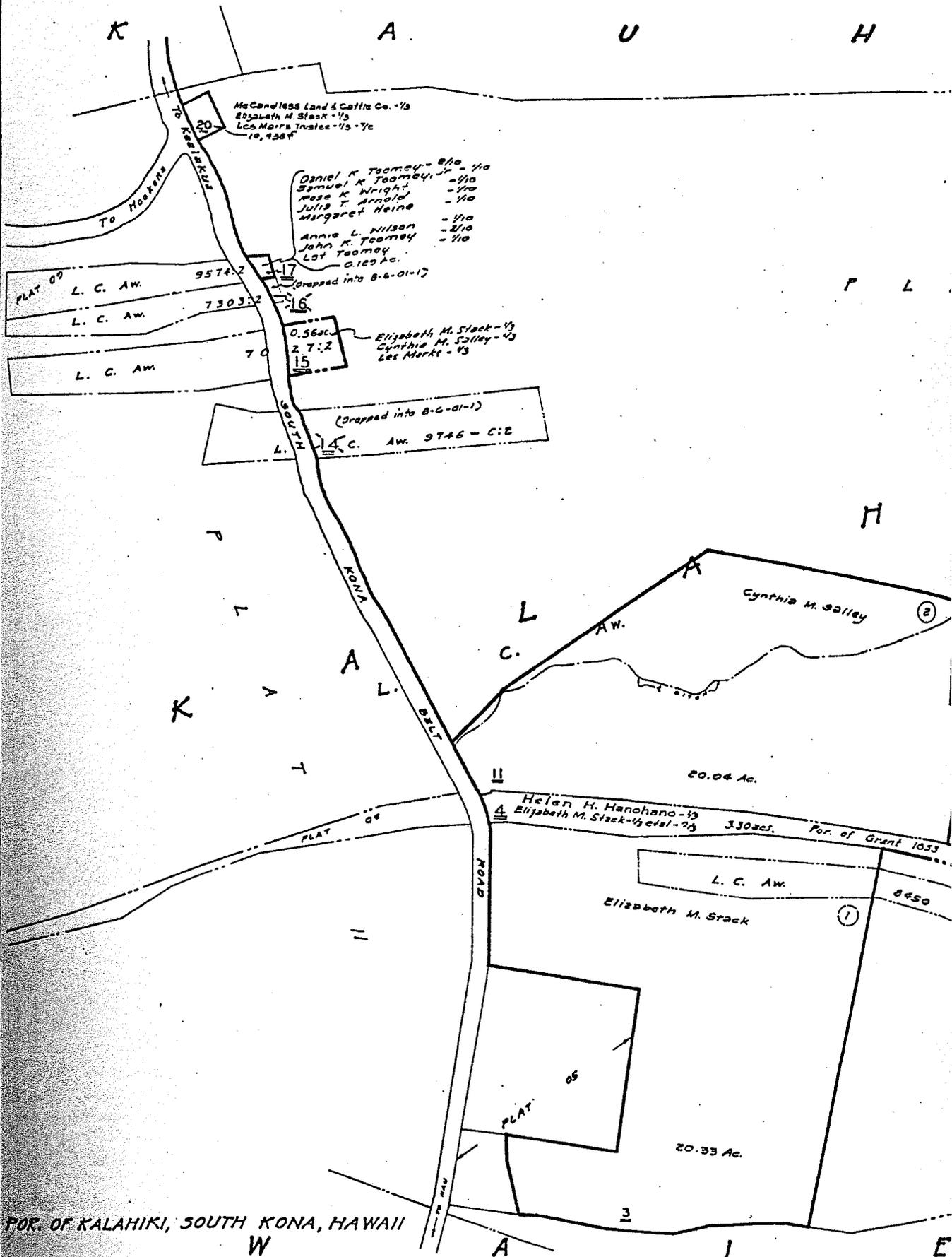
EXHIBIT **B**

- 4- Why is advertising for the already existing Bed & Breakfast facility preceding the very application for its establishment?
- 5- Insufficient time to gather ALL possible opposition.
- 6- We are descendants of Kinimaka, the original awardee of the Ahupua'a of Kalahiki.

Supporting documentation is attached.

NOTE: This informational booklet was prepared and compiled by Clarence A., Jr. & Nellie J. Medeiros and distributed to all members of the Planning Commission for the benefit of Clarence A., Sr. & Pansy W. Medeiros.

K A U H



FOR. OF KALAHIKI, SOUTH KONA, HAWAII
W A I E

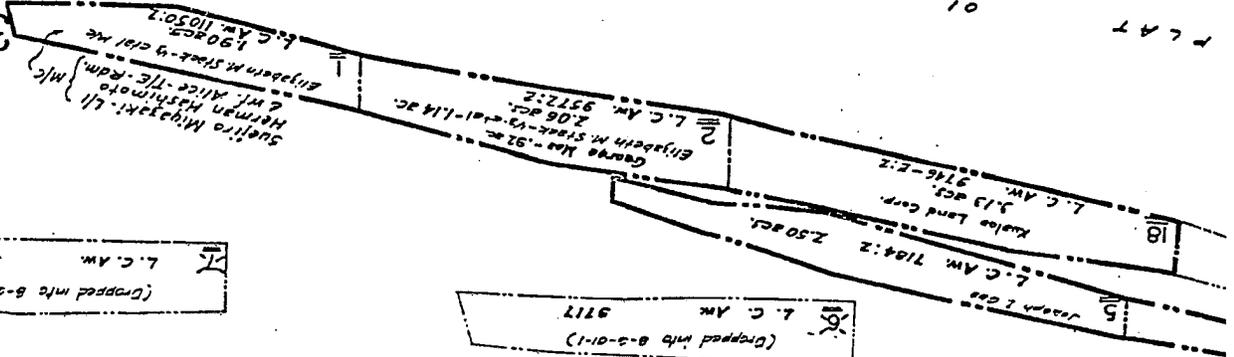
COPY MADE BY S.D. JULY 1930

| | | |
|--------------------|---|----|
| THIRD DIVISION | | |
| 8 | 6 | 04 |
| CONTAINING PARCELS | | |
| SCALE: 1" = 200 FT | | |

ADVANCE SHEET
SUBJECT TO CHANGE

Parcels Dropped: 6, 7, 8,
12, 13, 14, 15

3 1747



(Dropped mto B-5-9-1-1) L.C. AM. 9746-D-2

(Dropped mto B-5-9-1-1) L.C. AM. 9717

(Dropped mto B-6-0-1-1) L.C. AM. 9711-E-2

(Dropped mto B-6-0-1-1) L.C. AM. 7185-2
William Elena Est MC
Eiyabehn M. Stank - 9
Kuo Lee Land Corp. MC
L.C. AM. 9746-D-2

(Dropped mto B-5-9-1-1) L.C. AM. 9746-D-2

(Dropped mto B-5-9-1-1) L.C. AM. 9711-E-2
L.C. AM. 9746
L.C. AM. 9717-D-2 10 AC

(Dropped mto B-5-9-1-1) L.C. AM. 9748-2
L.C. AM. 1117-2

(Dropped mto B-5-9-1-1) L.C. AM. 1117-3

True North
Scale: 1" = 200'

PLAT 01

0:3

01

0

K

A

TITLE GUARANTY OF HAWAII
INCORPORATED
HONOLULU, HAWAII

030497
/

R ANNIE EST
R WEEKS ANNIE A S EST
E HUA CHARLES T S
E HUA GEORGE S
E HUA OLIVE P S
E MEDEIROS PANSY S
E YAMAMOTO KATHLEEN PR
E YAMAMOTO ROSABELLA EST S

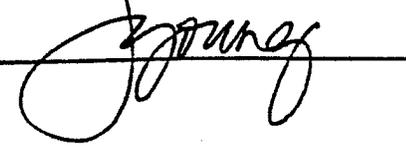
TITLE GUARANTY OF HAWAII, INCORPORATED

HEREBY CERTIFIES THAT THIS IS A TRUE COPY

OF THE ORIGINAL DOCUMENT RECORDED

REGULAR SYSTEM DOCUMENT NO. 95-030497

ON MARCH 07, 1995 AT 8:01 A.M.

BY: 

DATE OF RECORDING : MARCH 07, 1995

DESCRIPTION : POR RP 6857 KUL 7713 AP 9 & C

DOCUMENT TYPE : ORD DISTR

FILE A205540 C2

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED

GARY W. VANCIL (4979)
Post Office Box 1837
Kailua-Kona, Hawai'i 96745-1837
Telephone Number: 329-3551

95 JAN 31 AM 8:27

CHARLENE P. UKAWA
CLERK

Attorney for Personal Representative

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

| | | |
|---------------------------------|---|---------------------------|
| In the Matter of the Estate of: |) | P. No. 91-187 |
| |) | |
| ANNIE AH SING WEEKS, a/k/a |) | ORDER APPROVING FINAL |
| ANNIE HUA, |) | ACCOUNTS AND DISTRIBUTING |
| |) | AND SETTLING ESTATE; |
| Deceased. |) | EXHIBIT "A" |
| |) | |

**ORDER APPROVING FINAL ACCOUNTS
AND DISTRIBUTING AND SETTLING ESTATE**

On November 4, 1994, the "Petition for Approval of Final Accounts, and Distribution and Complete Settlement of Estate" filed herein on August 26, 1994 was heard via telephone conference. The Court finds:

1. Notice of the time and place of hearing the Petition was given to all interested persons as provided by law, as evidenced by the Certificate of Service filed on November 10, 1994.
2. An inventory of the estate was filed on May 15, 1992 and an amended inventory was filed on October 25, 1993.
3. Notice to creditors was given in the manner provided by law.
4. All debts, expenses and Hawai'i inheritance taxes have been paid.
5. The estate is in a condition to be closed.
6. The final accounts are correct.

I hereby certify that this is a true and correct copy of the original of the above.

7. Personal Representative's fees are waived and statutory attorneys fees of \$3,350.00 are reasonable.

8. The property remaining in the estate should be distributed as follows:

| | |
|--|-------------------|
| Charles T. Hua P. O. Box 618 Honaunau, Hawai'i 96726 | One-fifth (1/5th) |
|--|-------------------|

| | |
|---|-------------------|
| George Hua P. O. Box 36 Honaunau, Hawai'i 96726 | One-fifth (1/5th) |
|---|-------------------|

| | |
|---|-------------------|
| Pansy Medeiros R. R. #1, Box 53 Captain Cook, Hawai'i 96704 | One-fifth (1/5th) |
|---|-------------------|

| | |
|--|-------------------|
| Kathleen Yamamoto Personal Representative of the Estate of Rosabella Yamamoto c/o Case & Lynch 460 Kilauea Avenue Hilo, Hawai'i 96720 | One-fifth (1/5th) |
|--|-------------------|

| | |
|---|-------------------|
| Olive P. Hua c/o Henry C. Hua, Jr. Post Office Box 1067 Captain Cook, Hawaii 96704 | One-fifth (1/5th) |
|---|-------------------|

9. With specific reference to the possible interests in real property stated in the Amended Inventory which may accrue to the persons above-named at the final resolution of that said quiet title case, at such time as their interest in Civil No. 92-185K, In the Circuit Court of the Third Circuit, State of Hawai'i, McCandless Land and Cattle Company, et al. v. D. Kealohapauole, et al. shall be determined.

IT IS ORDERED THAT:

1. The final accounts of the Personal Representative are approved.

2. The property of the estate all of which is described in Exhibit "A" attached hereto and made a part hereof by this reference shall be and is hereby distributed to the persons entitled, in the proportions set forth above.

3. The Personal Representative shall pay all costs incurred by the Estate and the cost of final publication.

4. The Personal Representative shall pay statutory attorneys fees of \$3,350.00.

5. Upon the recording of a certified copy of this Order with the Bureau of Conveyances of the State of Hawai'i and providing the Court with evidence thereof the appointment of the Personal Representative shall be terminated and the Personal Representative shall be discharged from any further claim or demand of any interested person.

DATED: Hilo, Hawai'i, JAN 31 1995

/s/ Riki May Amano (Seal)

JUDGE OF THE ABOVE-ENTITLED COURT

EXHIBIT "A"

An undivided interest of undetermined and controverted amount in real property of an unknown value which are the subject of the quiet title and partition case of Civil No. 92-185K, In the Circuit Court of the Third Circuit, State of Hawai'i, McCandless Land and Cattle Company, et al. v. D. Kealohapauole, et al. Some of the heirs of Annie Ah Sing Weeks a/k/a Annie Hua are defendants in this quiet title action. According to the heirs, their claims to the property are through said Annie Ah Sing Weeks. It appears to counsel for the Personal Representative that these claims are problematic, at best the estate has a small undivided interest to the property. That is not to say that these parcels are valueless. On the contrary, it appears that the value to the estate, once the lawsuit is completed, may be very substantial. However, it may take years for the lawsuit to be resolved and accordingly the value of this real property interest is estimated at \$55,000.00. This valuation was arrived at with the input and assistance of the attorneys representing defendants in this case. The properties are described as follows:

- A. Portion of R. P. 6857, L. C. Aw. 7713, Apana 9 to V. Kamamalu, Honokua, near Hookena Beach, South Kona, Hawai'i. Approximately 6,593.90 acres.
- B. Portion of R. P. 6857, L. C. Aw. 7713, Apana 9 to V. Kamamalu, Honokua, near Hookena Beach, South Kona, Hawai'i. Approximately 444.44 acres.
- C. LCA No. 8175-B Iaukea, Honokua, South Kona, Hawai'i. House lot 0.25 acre. Apana 2, 4.60 acres.
- D. LCA No. 9500-C, Honokua, South Kona, Hawai'i. Apana 1, 6 acres. Apana 2, 0.35 acre.
- E. LCA No. 9720, Kalawakahi, Honokua, South Kona, Hawai'i. 4.25 acres.
- F. LCA No. 8175 Hooipo, Honokua, South Kona, Hawai'i. House lot, 0.21 acre. Apana 2, 4.0 acres.
- G. LCA No. 9457-D Puamana. Honokua, South Kona, Hawai'i. 3.40 acres.
- H. LCA No. 9568 Pi, Honokua, South Kona, Hawai'i. 3.45 acres.
- I. LCA No. 9569 Panee, Honokua, South Kona, Hawai'i. 1.30 acres.
- J. LCA No. 9457 Maka, Honokua, South Kona, Hawai'i. 2.00 acres.

- K. LCA No. 7062 Koele, Honokua, South Kona, Hawai'i. 1.60 acres.
- L. LCA No. 7005 Kekuanoni, Honokua, South Kona, Hawai'i. 3.32 acres.
- M. LCA No. 6942 Keaka. 4 apana. 0.88 acre.
- N. LCA No. 6942 Keaka. 4 apana. 0.88 acre. (Note this parcel appears to be the same parcel as in "M" above.)
- O. LCA No. 7060 Kauakahi, Honokua, South Kona, Hawai'i. 2.50 acres.
- P. LCA No. 9873 Kaiwiino, Honokua, South Kona, Hawai'i. House lot 0.21 acre. Apana 2, 3.25 acres.
- Q. LCA No. 9718 Kaheananui, Honokua, South Kona, Hawai'i. 0.24 acre.
- R. No. 6314, Royal Patent, Upon Confirmation of the Land Commission, Honokua, South Kona, Hawai'i. 1.80 acres.
- S. LCA No. 9457-E Huluhulu, Honokua, South Kona, Hawai'i. 2.40 acres.
- T. LCA No. 8175 Hooipo, Honokua, South Kona, Hawai'i. House lot 0.21 acre. Apana 2, 4.00 acres.
- U. LCA No. 9501 Elemakule, Honokua, South Kona, Hawai'i. 1.70 acres.
- V. LCA No. 9717 (Note: E crossed out) Hulupii, Honokua, South Kona, Hawai'i. 2.10 acres.
- W. LCA No. 9718 Kaheananui, Honokua, South Kona, Hawai'i. House lot 0.24 acres.

Each parcel is more particularly described in said lawsuit as Exhibits "A" through "W", respectively, to the Complaint filed therein on July 24, 1992. Of these parcels, Defendants represented by Mark Van Pernis have counterclaimed for parcels C, D, E, G, H, I, J, K, M, O, P, R, T, U, V and W (labeled Exhibits E, P, H, O, N, M, L, K, J, I, G, F, B, A, D and C, respectively, in the Counterclaim filed therein on August 28, 1992).

II. Inventory from Kaaumoana

- III. Undivided interest: Honokua L.C.A. 7713.9, R. P. 6857 portions of TMK (3) 8-6-01:1, TMK (3) 8-6-07:8, TMK (3) 8-6-07:31
- IV. Undivided interest in these kuleana: portions of TMK LCA 9457C, LCA 9457, R. P. 6316, LCA 7060 R.P. 7287, LCA 9569 R. P. 6319
- V. Undivided interest Waiea Grant 1586 to Preston Cummins and LCA 11049-5241, LCA
- VI. Undivided interest Kalahiki, M.A 59, R. P. 8294 Kinimaka, LCA 11049, R. P. 5241 (mauka)
- VII. Kalahiki: LCA 9572.2 (mauka), LCA 9571-F-2, R. P. 2637 (mauka), LCA 9572.1 parcel 16 (makai), LCA 7185.1 parcel 9 (makai), LCA 7185, R. P. 4812
- VIII. Undivided interest Kahauko
- IX. Undivided interest Hookena, L.C.A. 7301, R. P. 5523
- X. Undivided interest Kealia 2, L.C.A. 10389, R. P. 5304, Kealia 1-2
- XI. Undivided interest Keokea
- XII. Undivided interest Kiilae

END OF EXHIBIT "A"

KONA, HAWAII

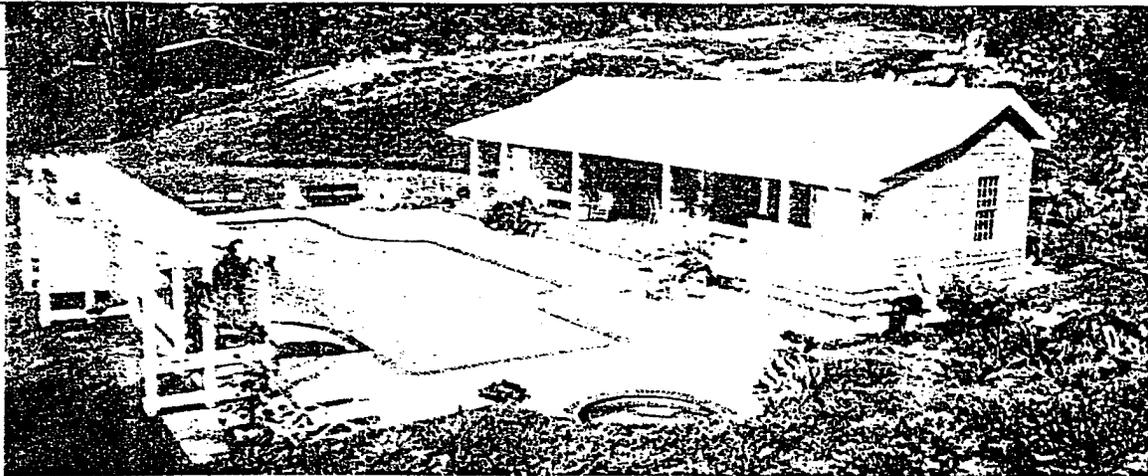
KONA, HAWAII

| Location | Awardee | L. C. A. | Book | Page | R. P. | Book | Page | Area | No. of Pcs. |
|-------------------|-------------------|----------|------|-------|--------|------|------|------------|-------------|
| Kahului 2 | Kuapuu | 7336 | 5 | 700 | 3740 | 16 | 239 | 1.35 Acs | 2 |
| Kahului 2 | Kulou | 7690 | 8 | 651 | ... | ... | ... | 1.75 Acs | 1 |
| Kahului 2 | Nenihua | 10373 | 4 | 555 | 8060 | 34 | 413 | 0.77 Ac | 1 |
| Kailua | * A.B.C.F.M. | 387 | 3 | 148 | {1930 | {8 | {3 | 402.04 Acs | 4 |
| | | | | | {1600 | {6 | {1 | | |
| Kailua | Leleiohoku, W. P. | 9971 | 3 | 283-4 | 6693-4 | 24 | 759 | 1.87 Acs | 4 |
| Kailua (Pa-o-Umi) | Rice, Samuel | 3202 | 3 | 25 | 1956 | 8 | 103 | 0.17 Ac | 1 |
| Kalahiki | Alapae | 9746-E | 3 | 567 | 5237 | 21 | 129 | 3.25 Acs | 2 |
| Kalahiki | Anae | 9746-C | 3 | 557 | 3676 | 16 | 111 | 3.70 Acs | 2 |
| Kalahiki | Apela | 9893 | 3 | 560 | 4816 | 19 | 505 | 0.95 Ac | 1 |
| Kalahiki | Elehiwa | 9717 | 3 | 564 | 7036 | 26 | 489 | 2.15 Acs | 1 |
| Kalahiki | Hoopuhalu | 9716 | 3 | 564 | ... | ... | ... | 0.17 Ac | 1 |
| Kalahiki | Kahoukua | 9575 | 3 | 561 | 6467 | 24 | 305 | 0.40 Ac | 1 |
| Kalahiki | Kaholoikapu | 9571-F | 3 | 566 | 2637 | 12 | 145 | 3.63 Acs | 2 |
| Kalahiki | Kaino | 8450 | 3 | 562 | 6551 | 24 | 473 | 2.30 Acs | 1 |
| Kalahiki | Kaluilama | 7185 | 3 | 569 | 4812 | 19 | 497 | 2.20 Acs | 1 |
| Kalahiki | Kamailohi | 7184 | 3 | 562 | 5277 | 21 | 209 | 2.70 Acs | 2 |
| Kalahiki | Kanakaole | 7028 | 3 | 561 | 5232 | 21 | 119 | 3.30 Acs | 1 |
| Kalahiki | Kaniniu | 9572 | 3 | 559 | 4953 | 20 | 129 | 3.00 Acs | 2 |
| Kalahiki | Kaoliokalani | 9748 | 3 | 568 | 5140 | 20 | 507 | 1.75 Acs | 1 |
| Kalahiki | Kapaka | 9571-E | 3 | 570 | 5227 | 21 | 109 | 2.61 Acs | 2 |
| Kalahiki | Kapipaka | 7027 | 3 | 558 | 2958 | 13 | 399 | 2.85 Acs | 2 |
| Kalahiki | Kawaha | 7303 | 3 | 556 | 3203 | 14 | 199 | 1.33 Acs | 2 |
| Kalahiki | Kimimaka | M. A. 59 | 3 | 336 | 8294 | 35 | 803 | 2.660 Acs | 1 |
| Kalahiki | Kuoha | 11177 | 3 | 592 | 5169 | 20 | 565 | 2.48 Acs | 3 |
| Kalahiki | Mikahaka | 11049 | 7 | 373 | 5241 | 21 | 137 | 0.28 Ac | 1 |
| Kalahiki | Namaka | 9574 | 3 | 570 | 5513 | 21 | 681 | 2.08 Acs | 2 |
| Kalahiki | Oopa | 9746-D | 3 | 556 | 5245 | 21 | 145 | 1.94 Acs | 2 |
| Kalahiki | Pakui | 9746 | 3 | 565 | 5248 | 21 | 151 | 2.80 Acs | 2 |

* American Board of Commissioners for Foreign Missions.

| Location | Awardee | L. C. A. | Book | Page | R. P. | Book | Page | Area | No. of Pcs. |
|----------|----------|----------|------|------|-------|------|------|------------|-------------|
| Kalahiki | Kalahiki | 1050 | 3 | 563 | 6552 | 24 | 475 | 2.22 Acs | 2 |
| Kalahiki | Kalahiki | 9877-B | 3 | 559 | 4737 | 19 | 351 | 1.17 Acs | 2 |
| Kalahiki | Kalahiki | 7802-B | 3 | 567 | 5244 | 21 | 143 | 0.62 Ac | 2 |
| Kalahiki | Waipu | 8516-B | 10 | 393 | 1669 | 6 | 283 | Ahp. Ap. 2 | 1 |
| Kalahiki | Kamaiku | 7052 | 8 | 681 | ... | ... | ... | 0.35 Ac | 1 |
| Kalahiki | Kalahiki | ... | ... | ... | ... | ... | ... | 1.14 Acs | 1 |

KALAHIKI COTTAGE AT McCANDLESS RANCH

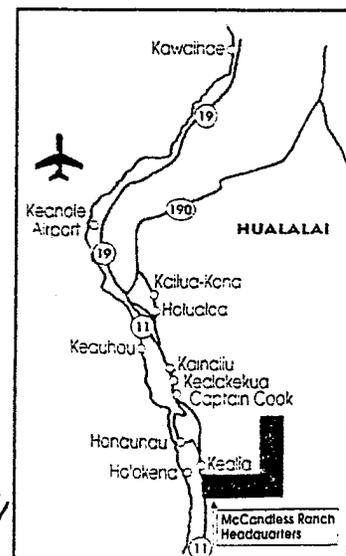


McCANDLESS RANCH is a working cattle ranch located in Kona, approximately 30 miles south of Keahole airport. The Ranch headquarters, situated at the top of a gently winding driveway lined with a variety of spice trees, is the starting point for the McCandless Ranch Ecotour and the home of Kalahiki Cottage Bed & Breakfast.

Kalahiki Cottage is a light and airy fully furnished sumptuous pool house accommodation. The monarchy style bedroom is furnished with a Koa-wood queen size bed and period appointments. The spacious white-tiled bath, with a shower for two, is thoughtfully arranged, and looks out on its own private garden. A covered lanai (terrace) with roomy, comfortable furniture, stretches along the length of the cottage, beside a 70 foot swimming pool and a large blue tiled jacuzzi. Complementing the lanai is a complete kitchen, covered and open to the lanai and pool. Exquisite Koa wood is used extensively throughout the cottage.

Surrounded by lawns and gardens, where exotic tropical Bromeliads spill from containers, the lanai is the perfect place to end your Ecotour day. Rest here with a cool glass, upcountry above Hawaii's Kona Coast, and watch the sun drop into purple-blue waters of the Pacific Ocean on the far horizon.

The room rates include Continental breakfast featuring local fruits, breads, toasts and other baked goods, with local jams and jellies. Fruit juices and hot beverages, including pure Kona coffee are served.



McCANDLESS RANCH ECOTOUR

THE ECOTOUR, your discovery of the native flora and fauna, starts from McCandless Ranch headquarters at an elevation of 1100 feet. The ranch covers roughly 15,000 acres, from the shore line to approximately 8,000 feet, on the slopes of Mauna Loa, the most massive mountain in the world. The full day Ecotour ascends the mountain, through its unique rain forest and up to the regions of the approximate tree line. We travel through the ranch lands in enclosed 4-wheel drive vehicles. Initially moving through an area of introduced, or exotic species that crowd out native vegetation, such as guava and Christmas berry, we pass gradually into the native forest where we roam for the greater part of the day.

We see endemic (found only on the Islands) Hawaiian flora proliferating in exuberant growth: from ferns to flowering Koa trees and the Ohia-lehua--its dark, hard wood once used to carve canoes and temple idols; its bright red lehua blossoms sacred to the volcano goddess, Pele.

We see endemic and introduced bird species thriving in the forest. The tiny and endangered 'Elepaio (flycatcher), sings its name, e-le-pa-i-o. Some of nature's rarest diversification of a species from a single ancestor are the Hawaiian Honey creepers; red feathered Apapane feed on lehua flowers, orange-red I'iwi with a long tail and black wings and the small yellow Amakihi which once provided feathers for the ancient feather work capes. The most endangered bird in America, the talkative Alala (Hawaiian Crow), nests here. The only Alala in the world still found in the wild are on the Ranch, where they are protected. Although we do not guarantee an Alala sighting, we start our tour early in the morning, for those who choose to do so, in order to be in place before the early morning vocalizations. We tour the Alala habitat and observe the efforts that are made to recover the species.

We see the tremendous and interesting diversification of scenery, from a bare lava flow with its tree molds, to the green and lush native forest. We stop for a picnic lunch along the way. Each tour is custom designed to meet the interests of the group. The smaller tours often tie the Ecotour in with a stay at Kalahiki Cottage, a McCandless Ranch Bed & Breakfast.

Lincoln Loy McCandless acquired the Ranch, starting in 1914, over a period of 40 years. Through the generations, good stewardship of the land has been the family's guiding philosophy. Consequently, the largest and least disturbed native forest in the wide-ranging lands of Kona flourishes on the Ranch. We see on the Ecotour, pastures that remain pristine and wild cattle still roaming the native forest--descendants of the cattle brought to Hawaii and presented to Kamehameha The Great by Captain George Vancouver.



Alala drawing by Joan M. Yoshida
© 1994 Hawaii Natural History Association

McCANDLESS LAND & CATTLE COMPANY

October 18, 1996

Clarence A. Medeiros Jr.
86-3672 Government Main Rd.
Captain Cook, HI 96704

Dear Clarence,

Pursuant to the Planning Commission Rule 6 (Special Permits), you are hereby notified that McCandless Land & Cattle Company will be going before the Planning Commission at approximately 2:00 P.M. Wednesday, October 30, 1996 at the Kona Surf Hotel, Kamehameha Ballroom, 78-128 Ehukai Street, Keauhou, North Kona.

The purpose of this public meeting is to discuss the application for a Special Permit to allow the establishment of a two-bedroom Bed and Breakfast facility within an existing residence situated on approximately 3.28 acres of land within the State Land Use Agricultural District. The property is located on the mauka side of South Kona Belt Road, approximately 2,000 feet south of the South Kona Belt Road and Hookena Road intersection at Kalahiki, South Kona, Hawaii, TMK: 8-6-4: Portion of 11.

Keith F. Unger
Keith F. Unger
McCandless Land & Cattle Company

McCANDLESS LAND & CATTLE COMPANY

October 18, 1996

Clarence A. Medeiros Sr.
86-3666 Mamalahoa Hwy.
Captain Cook, HI 96704

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The purpose of this public meeting is to discuss the application for a Special Permit to allow the establishment of a two-bedroom Bed and Breakfast facility within an existing residence situated on approximately 3.28 acres of land within the State Land Use Agricultural District. The property is located on the mauka side of South Kona Belt Road, approximately 2,000 feet south of the South Kona Belt Road and Hookena Road intersection at Kalahiki, South Kona, Hawaii, TMK: 8-6-4: Portion of 11.


Keith F. Unger

McCandless Land & Cattle Company

VAN PERNIS, SMITH & VANCIL

MARK VAN PERNIS (1892)
Post Office Box 1837
Kailua-Kona, Hawai'i 96745
Telephone Number: 329-3551

Attorney for
Defendants Clarence A. Medeiros, Sr., et al.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 2,145 HECTARES (5,300 ACRES))
 OF LAND, MORE OR LESS,)
 SITUATE IN HAWAII COUNTY,)
 STATE OF HAWAII; and NOHEA)
 MARKS SANTIMER, MOANI)
 MARKS ZABLAN, AND NOENOE)
 MARKS LINDSEY, as SUCCESSOR)
 TRUSTEES UNDER)
 (UNRECORDED) THE LES MARKS)
 RESTATEMENT OF REVOCABLE)
 LIVING TRUST AGREEMENT,)
 and as INDIVIDUALS, et al., and)
 UNKNOWN OWNERS,)
)
 Defendants.)
)

Civil No. 97-01395 DAE

AFFIDAVIT OF
CLARENCE A. MEDEIROS, SR.;
EXHIBITS "A" TO "B2"

AFFIDAVIT OF CLARENCE A. MEDEIROS, SR.

STATE OF HAWAII)
) SS:
 COUNTY OF HAWAII)

CLARENCE A. MEDEIROS, SR., being first duly sworn on oath,

deposes and says:

EXHIBIT D

above-entitled action. I make these statements on the basis of my personal knowledge and experience, and upon oral history of my ancestors.

2. I am 70 years old and was born a few years before the ships stopped coming to the Ho'okena Beach Wharf called Cooper Landing. In my 70 years, I have lived in Honokua, South Kona, Island of Hawai'i and at various times I have also lived in the ahupua'a of Wai'ea, Kalahiki, Ho'okena, Kaubako, Kealia, Kauoli and Killae in South Kona, Island of Hawai'i.

3. My parents were Violet Leihulu Mokuohai Parker and Frank Medeiros. My mother's brother was Charles Mokuohai Parker. My mother's grandfather was John Mokuohai Puhalahua. My mother, her brother and her grandfather all told me that at various times in their lives they resided upon the ahupua'a described above and used those lands in various ways.

4. My great grandfather John Mokuohai Puhalahua was born in 1850 and in his lifetime was also known as Mokuohai. He made his living by building canoes, ranching, farming and was the manager of Kuaimoku Ranch, which ranch was later known as Magoon Ranch.

5. My great grandfather was a renown *kahuna kalaiwa'a*, master carver of koa canoes. My mother told me that he would go up into the mountains of the subject ahupua'a and stay in a small shack for months at a time to gather koa for his canoes. He was very busy as people from all the different ahupua'a needed his expertise in finding and selecting the right koa log, roughly carving out the canoe and then transporting the rough canoe down from the mountain to be finished.

6. My great grandfather raised many animals, including cattle, pigs and donkeys. He took his animals to the uplands of the subject

7. My great grandfather also cultivated taro, banana, kukui, ti and awa in these ahupua'a. He shipped his banana and taro to Honolulu and his awa to Germany where it was used to treat toothaches. The oil from his kukui was used to fuel lamps. He made 'okolehao from the ti root and sold it to the residents of the area and to the visiting sailors. He planted and harvested his ti plants in Kalahiki where the rich soil made it easy to grow.

8. My ancestors, including Mokuohai, worked several taro patches located in different areas within the subject property from the 1700's through about 1950. These patches were established in areas which were suitable for cultivation and ranged in size from an acre to about three acres. Typically, these mala would be near hapu'u.

9. Wild cattle roamed unrestrained throughout the ahupua'a. They were unbranded and were hunted for food. Mokuohai hunted and slaughtered wild cattle from Kalahiki, Ho'okena, Honokua and Wai'ea, salted the meat and then sold it. My mother said he made lots of money by this venture and was paid in gold. Sometimes he had to wheel the gold home in a wheel barrow.

10. My mother told me that Mokuohai collected salmon barrels from the incoming ships docked at Cooper Landing and used these barrels to store his salted meat.

11. My mother also told me that just before supply ships would dock at Cooper Landing, men, women and children from Honokua to Kalahiki would drive wild goats into a stone goat pen. The goats were then slaughtered, their skins and meat dried and then sold to the men on the supply ships.

12. My ancestors, including Mokuohai, harvested ohia wood

from the forests in Wai'ea, Kalahiki and Ho'okena from about 1850 through 1920 and then sold it to the supply ships for fuel.

13. My mother also told me that her brother Charles harvested watercress and fern shoots to sell at Ho'okena on Steamer Day.

14. Mokuohai harvested guava in Kalahiki for charcoal.

15. My uncle, T. K. R. Amalu, planted 30 acres of coffee in Ho'okena, a portion of which was located within the subject property. He owned and operated a coffee mill and a store at Ho'okena Beach called The Coffee & Fruit Company. He shipped his produce to Honolulu.

16. Attached hereto as Exhibit "A" is a map of a portion of Kalahiki and Ho'okena upon which I have identified the areas where my ancestors cultivated taro, harvested guava, hapu'u, ohia, and koa, hunted wild cattle and raised their pigs, donkeys and cattle.

17. My great grandfather used and cared for the lands in Kalahiki because his cousin Kinimaka lived most of the time in Holualoa in North Kona, Island of Hawai'i. My mother told me that Kinimaka was somewhat *kolohe*. He married my great, great grandmother, Kanika, and another relative, Kanoena Gilman.

18. Keliaukai married twice. First to Aikanaka and then to Keolewa. His descendants from Aikanaka include daughter Kelituwela who married Kuwalu and had Puhalahua who married Kanika and had John Mokuohai Puhalahua. John Mokuohai Puhalahua married Kachamalaole Elemakule and had Abigail Mokuohai, who had Violet Mokuohai who married Frank Medeiros and had me.

19. Keliaukai's descendants from his marriage to Keolewa include a daughter Pookui who married John Gilman and had Mary Kanoena Gilman. Mary Kanoena Gilman married Kinimaka and had Ala, Makawao and

Kinimaka.

20. Keliiaukai's descendants from both marriages are blood relatives. I am therefore a blood relative of Kanoena, Kinimaka and their children.

21. I am a fluent speaker, reader and writer of the Hawaiian language.

22. I learned to speak, read and write the Hawaiian language from my parents, grandparents, relatives, neighbors and other members of the community. They only spoke Hawaiian.

23. I have acted as an interpreter and translator of the Hawaiian language into English on many occasions, including for attorney Michael Matsukawa, the native Hawaiian health organization on Hawai'i island known as Hui Malama Ola Na O'iwi, Queen Liliu'okalani Children Center, private deeds and others.

24. I am recognized in the community as a qualified instructor of the Hawaiian language and have taught the Hawaiian language to children at Alu Like, the Queen's Center, Hale O Ho'oponopono, Punana Leo o Kona.

25. In the past I assisted Kawena Pukui on occasions with some translations and comments involving the Hawaiian language. She is a co-author of the Hawaiian Dictionary and I knew her personally.

26. I am also a practitioner of the Hawaiian custom of ho'oponopono until this day.

27. Attached hereto as Exhibits "B1" and "B2" is a true and accurate copy of the Will of Kinimaka and its translation made by me.

28. For many years my son Clarence A. Medeiros, Jr. and I have paid property taxes for the area described with TMK (3) 8-6-01, which includes the area before this Court.

FURTHER AFFIANT SAYETH NAUGHT.

DATED: Kailua-Kona, Hawai'i, Nov. 25 1998.

Clarence A. Medeiros, Sr.
CLARENCE A. MEDEIROS, SR.

SUBSCRIBED AND SWORN to before me
this 25th day of November, 1998.

Anuha Reimann-Giegerl

Notary Public, State of Hawai'i
My Commission Expires: 06/08/00

ANUHEA REIMANN-GIEGERL
NOTARY PUBLIC
STATE OF HAWAII

USA v. 2.145 HECTARES (5.300 ACRES) OF LAND, MORE OR LESS, et al.
Civil No. 97-01395DAE
Affidavit of Clarence A. Medeiros, Sr.

**Assessment of Traditional Cultural Practices
Related to Burial Sites**

Hokulia Project, South Kona, Hawaii Island

Burial Sites Program
History and Culture Branch
State Historic Preservation Division
Department of Land and Natural Resources
State of Hawaii

February 25, 2003

EXHIBIT

E

skull. (Peter Buck, Te Rangi Hiroa, 1957, Death and Burial, Arts and Crafts of Hawaii, Bernice P. Bishop Museum, p. 567)

The practice of keeping portions of your loved one's remains in close proximity is a traditional Hawaiian practice.

Kanu

The concept of *kanu*, or literally "to plant" your *'ohana* into the ground is a traditional Hawaiian practice.

Ho'omoe Pū

Associated with *kanu* is placing items with the dead. These burial goods are known as *moe pū*. The placing of items with the departed is a traditional Hawaiian practice.

Burial Near Home

Iwi of family members were often buried in or around the place of dwelling to provide a sense of proximity for both security and companionship.

Occasionally they buried their dead in sequestered places, at a short distance from their habitations, but frequently in their gardens, and sometimes in their houses. Their graves were not deep, and the bodies were usually placed in them in a sitting posture. (William Ellis, 1827, From the Journal of William Ellis, p. 259)

Under house burials were probably chosen as a security, though instances are known where affection was the prime motive. (Abraham Fornander, Traditional Stories: Relating to the Dead in Ancient Time, p. 570)

These views are supported by archaeological evidence today where burials are found directly incorporated into house platforms. Burying loved ones under or near one's home is a traditional Hawaiian practice.

Close Family Prepare Burial

For Hawaiians, death and dying was a family matter. Only close family members or most trusted companions were allowed to handle and provide proper disposition of the dead.

Until morticians were generally accepted, only close relatives prepared the body for burial.

And for any Hawaiian, the body was exposed only to close family members. And so, just as they did in sickness, family cared for family in death. (Pukui, Vol. I, p. 134)

There is much in the available literature and in oral tradition citing this basic tenet of Hawaiian burial belief. The island burial councils have repeated over the years the importance of family in making

decisions about *iwi*. When family can't be found, council members act on behalf of the family in protecting their loved ones.

Chapter 6E, HRS and Chapter 13-300, HAR, both recognize the importance of family and descendants input into the disposition and treatment decisions of the dead. Even common law recognizes the role of "next of kin" in decisions regarding the disposition of human bodies. Hawaiians maintain the same feelings on a cultural basis.

The *kuleana*, or responsibility, of burial decisions remaining with the family is a traditional Hawaiian practice.

Family Burial Areas

Traditionally, a family had an area where they would lay to rest members of their *'ohana*. Such a place could be under or near the home, in a family cave or in a portion of a sand dune. Communities also utilized common areas since many people in the community were related.

Enclosures, surrounded by high stone walls, were also employed, each family generally possessing a distinct cemetery; though sometimes the dead of a whole town were deposited in the same cave. (James Jackson Jarves, History of the Hawaiian Islands, 1872, p. 39)

This family or communal burial concept is also supported by Fornander as well as the visitation of such sites by the family:

These burial-caves seem to have been either private family property, or the property of the commune living on the land where they were situated. Offerings were frequently carried there, and prayers performed by the relatives of the deceased. (Abraham Fornander, 1980, An Account of the Polynesian Race: Its Origin and Migrations. p. 106-107)

The Reverend William Ellis also noted this practice:

Sometimes the inhabitants of a village deposited their dead in one large cavern, but in general each family had a distinct sepulchral cave. (William Ellis, 1827, From the Journal of William Ellis, p. 258)

It should be noted that as families began to move due to socio-economic reasons, and people died in different districts, there became an increased chance that some burial areas would contain the remains of different families, possibly not related to the people contained in the original interments.

This is also true of areas reported to be known battle fields where some of the dead may have come from other areas or even other islands. The same can be said of mass graves at or near *luakini heiau* in which individuals offered up as *mōhai* and interred nearby may not have been related to any families in the area.

In general, burying members of your family in a certain area, set aside for that purpose, is a traditional Hawaiian practice.

Reinecke, John E.

Archaeology of Kona, Hawaii

[a folder of maps goes with this]

Kailua to Kalahumpuaa original mission - July 1930

Kapalaalaea to Lanihau

Kahaluu

Keauhou - June 1929

Onouli (2) to Honale (Kualanui Pt.) - June 1929 & June 1930

Kaawalaoa Keopuka 1929

Kaawalaoa - 1930

Honaunau to Ka'u line 1930(?)

Storage Case

3

title on cards

"Survey of Hawaiian sites from

Kailua, Kona, to

Kalahumpuaa, 1930

19 typed pages, and maps to accompany"

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EXHIBIT

F

Site 24. NENEUE HEIAU, in Kealia 2, or as it is called, Kaaua. This heiau must have been one of importance, as the area pointed out as its site (which may have included the sacred precincts as well as the actual structure) was about 300' lengthwise of the beach. It stood on what is now sand beach, in front of several house lots. Nothing remains to show except a slight sand-covered elevation surrounded by a wall under an opiuma tree.

Another large heiau, HAHAPÓ, is reported about two miles mauka, above the road, in Kealia 1.

My informants said that there is maybe one more heiau in upper Kealia 2.

Site 25. From the Catholic church about one-quarter mile south is a row of houses on the beach. The unoccupied lots usually show signs of former dwellings. Then there is a rather bare space to the Protestant church, Puukana.

Site 26. Hookena village (Hookena and Kauhako lands) is compactly built, being wedged in by the pali. The vacant lots mostly show house platforms or other signs of occupancy within the past half century. Hookena must have contained some 50-75 dwellings. Now many houses are deserted.

There are probably some ruins at the top of the Palianihi, but one can hardly penetrate the lantana.

Site 27. The Kalahiki-Waiea flat was not studied with nearly the thoroughness which it deserved; I thought that I should pass through it again upon my return, and therefore neglected much of it, especially the portion a few hundred yards inland, next the pali and steep slope.

It is a very interesting area, in many ways similar to Kaawaloa-Keopuka flat, and a survey of the detailed map of the latter will explain much of the former.

The coast for about half a mile or a little over is of pahoehoe drifted in some places with white sand. A wide belt at the foot of the cliff is bare a-a. The central part of the flat is pahoehoe overlaid with a thin coat of a-a, and with a sparse vegetation of brush and creepers.

Along the coast runs a series of yards with well-built walls which, with the church, indicate a considerable population within recent times. I regret not having counted the yards fronting the sea; about half bear signs of house sites. There is a scattering growth of palms. The central section has also some walls and a number of pens of various date and state of collapse. Two paved paths run mauka, besides other well-defined unpaved paths.

The Palianihi was certainly used for burials, as some of the caves have been boarded up. It resembles the Pali Kapu o Keoua on a small scale.

There are some considerable spaces of levelled a-a surrounded by old, low walls, and sometimes strewn with small stones, which must have been old dwelling sites. From the pali I counted three large and three or more small ones in the north half of the flat. Also two rougher old enclosures which must have been mere pens.

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MS 50 Hawaiian 712

There is a modern pen at the north end; also three walled places against the foot of the pali, probably all about caves. One surrounds a very large deep cave. Two or three small platforms, perhaps puoa, and another very rough platform are also in the north half (north of the path on map).

On the beach are a few traces, and a modern shelter.

X The few natives whom I asked had not heard of any heiau in Kalahiki or Waiea, though I have on my list copied from Stokes: Kahauwawaka, Palianihi, Hekilinui, and Koa. One was given as by the old government road in Kalahiki, POKAA.

Site 28. The last palms are at the windmill, which being about at the Waiea boundary, makes a good starting place for another site-area. Past here the walls are all inland; I did not investigate them, but presume that they were mostly to confine animals.

Near the windmill is a house platform about 3' high. Following it are remains of a house site; various traces; a small square platform. Then a walled lot containing a house platform. On the a-a flow hard by lot and platform, with a ruined papamu by it. A levelled quadrangle on the a-a, with small platforms by it, a dwelling site.

Site 29. At Kapilo Bay, a site outlined by wall; small heaps of stone; remains of platform. Steep ascent to a little plateau of the a-a flow, on which are traces of one or two sites or graves. A trail runs mauka.

Site 30. Remains of small platform on slope of ridge. A trail runs mauka; it is banked up on a platform at the foot of the slope. House site and wall c. 150' south.

From here a good paved trail, not indicated on the government map, runs to Honokua flat.

X Site 31. At the edge of the extensive, bare flow of a-a: a wall running parallel to the shore. Other walls running at right angles. Below it, on the border of the a-a flow, three puoa platforms. Farther down are three large and two small faint a-a platforms. There is said to be a cave entrance under one of them.

Site 32. On the uppermost of the three levels of Honokua flat: Two modern house platforms. A genuine grass house, in use recently. Two small pens side by side, a platform behind them, and a third pen behind that. An old house platform, overgrown, and back of it several remains, platforms or graves, including a long, partly natural platform.

Several heiau were named as being about the vicinity, and one, KOKIHAELE, as at this place. ~~Probably~~ My guess is that the two small pens and the platform are the heiau.

Site 33. The middle flat is chiefly a tangle of small knolls, with much loose stone, but few plain sites. The platform on the prominent knoll in front of the shanties is a house platform, no heiau. A number of walls run across the flat.

Site 34. Lowest flat. At the two houses is a papamu built into the wall, 17 rows one way, 14 aboveground the other. Another

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Ki'ilae

✓ Bay, water course, and land section south of Honaunau. Lit. cape image. Pukui, Place Names. pg. 10

Features: Boundry on the North with Keokea at Kiilae Bay, boundry on the South with Kauleoli.
Mauka-makai trail- Kiilae-Keanapaakai Trail

✓ According to Kalokuokamaile-~~The name of this land was derived from the many images of the uhu fish.~~
The reason for the bestowal of the name of this land Kiilae (was for) the many images, the things that were erected at this cape at night because of the uhu fish.

✓ Ladd 1969, Asian and Pacific Archaeological Series No. 3, (191)
✓ Apple 1965, Trails (42; "Ki'ilae, a part of the City of Refuge National Park, was once a village. It is now deserted" 52;)

✓ Land award to Huelo, G.D. (Davis) (K) - Brother of Kale and Peke and son of Isaac Davis, - Companion of King Kamehameha I - L.C.A. 8521-B, Kiilae, Kona.

*Jackson, Frances Kiilae Village, S. Kona, Isl. of Hawaii 1966
For Nat. Park Service found HMCs + UHH
also Report on Kiilae Village etc UH/HL*

Ahupua'a

Kauleoli 1&2

Land Commission Award: To Naihe & Nika 10405 (no award) & 9457, 4.77 ac..

✓ Land sections near Honaunau. Lit. the penis of Li (he traded his penis for someone else's) Pukui, Place Names.

Features: North boundry with Kiilae, South boundry with Kealia.
Aali Rock in the ocean is noted in the 1924 Honaunau qd. map.

✓ Details of how the land got this name according to Kalokuokamaile- Maui cut off Li's ma'i and took it for himself, he gave Li his ma'i because it looked like a dog's.

C. Hooper, 7 ac. of 1-3 yr. old coffee plants, 30 ac. producing coffee trees, Thrum 1896. & 1897

✓ Thrum 1897- Kauleoli (Kouleali) Coffee Plantation, 1,000 trees 1-3 yr. old, and 10,000 trees bearing.

C.W. Achi, 10 ac. 1-3 yr. old trees, 5 ac. bearing

✓ Thrum 1898- W.C. Achi, 2,000 trs. newly planted, 15,000 trs. 1-3 yr. old, 5,000 trs. bearing.

C. Hooper, 2 ac. newly-planted trees, 12 ac. trees bearing.

HNG's Journal 12/30/1884- Mr. C. Hooper's house at Kauleoli.

Grant 1575 to J. Atkins, 364 ac., Bk. 8, 1855
Grant 3051 to Palauolelo 79.2 ac., bk. 14, 1867

OVER

G

EXHIBIT

& one Roman Catholic, & there is an excellent school. The latter is taught in English but the 3 teachers are Hawaiians. 25

Emerson Field Notes 1883, Reg. No. 152, p.140
Mentions the store of Hui opiopio at Hookena village.

Musick, Our New Possessions p. 216-17

"an hour before sunset we descended the great red hill, went down the red street, & inquired for Mr. T. R. Amaleu, the native school-teacher. His pretty little cottage was pointed out to us & we went to it, as this cottage was the only suitable place in the village for travelers to stop. Mr. Amaleu is principal of the public schools of Hahione, and also postmaster. His wife is an ass. teacher. When the steamer W. G. Hall came into port, I went down to the dock to learn the latest news fr. Hon. The dock was crowded with men, many of them white coffee planters

Kalahiki

Ahupua'a

✓ Land section and beach, Honanau qd., Lit. the sunrise. Pukui, Place Names

✓ Ellis 1927, Tour Through Hawaii, pg. 163, 172-73

The following Land Commission Awards: Alapae-9646-E, 3225 ac.; Anae-9746-C, 3.70 ac.; Apela-9893, .95 ac.; Elehiwa-9717, 1.87 ac.; Hoopuhala-9715, .17 ac.; Kahoukua-9575, .40 ac.; Kaholoikapu-9571-F, 3.63 ac.; Kaino-8450, 2.30 ac.; Kaluailama-7185, 2.20 ac.; Kamailohi-7185, 2.70 ac.; Kanakaole-7028, 3.30 ac.; Kaniniu-9572, 3 ac.; Kaoliokalani-9748, 1.75 ac.; Kapaka-9571-E, 2.61 ac.; Kapipaka-7027, 2.85 ac.; Kawaha-7303, 1.33 ac.; Kinimaka-M.A. 59, 2,660 ac.; Kuoho-11177, 2.48 ac.; Mikahaka-11049, .28 ac.; Namaka-9574, 2.08 ac.; Oopa-9746-D, 1.94 ac.; Pakui-9746, 2.80 ac.; Pahua-11050, 2.22 ac.; Puhipau-9877-B, 1.17 ac.; Waipu-7802-B, 0.62 ac.

Ili of Kapuai, Government Land - surrendered by Hol Chiefs under Kamehameha- Alapa'i-malo-iki and Ka-uhi-wawae-one were murdering chiefs, they killed people at various places and used the bodies for shark bait. Kalahiki and Kealia in South Kona were two of these places.

✓ Kamakau 1961, Ruling Chiefs, pg. 232

Features: North boundry with Kauhako at Lainamaui Pt.
Kanikaukii Pt.
Kalahiki Beach
South boundry with Waiea

Lao Alahi (386.32.)

Mahu Nuki - former Honolulu of Kalahiki. Bd. Comm. Testimonies

Check. LCAW. 7130:3-

OVER

According to Kalokuokamaile- The reason for the bestowal of the name of ²⁶ this land; for the men's work on the chiefs's day (la koele). When the tenants gathered at the place of work, they did not work right away. When the sun came up, then they worked. So it was every day; it was their watch. For this was the bestowal of the name of this land. Ka-la-hiki: The sun's arrival.

McStoker & Co., 20 cleared ac., 50 ac. newly planted, 70,000 trees 1-3 yr. old, 8,000 trees producing. Thrum 1896.

Thrum 1899- South Kona Coffee Co.- 60 ac. of 1-3 yr. old trs., 30,000 trs. bearing.

Under Heiau see- Hekilinui and Kahauwawaka

Kalahiki - Waiea Flat - described in general... 2 paved paths run mauka, other well-defined paths. Palianihi, was certainly used for burials. ... "The few natives whom I asked had not heard of any heiau in Kalahiki or Waiea, though on my list copied from Stoke - Kahauwawaka, Palianihi, Kekilinui & Koa. One was given as by the old government road in Kalahiki, Pokaa."

Reinecke 1929-1930, Survey of Hawaiian Sites, Part 7, Honaunau to Kau, pg. 4

Lyman traveling by canoe 1846: "...we passed Kalahiki, a long straggling village with a beautiful sand beach and extensive coconut groves." Lyman, Around the Horn..., pg. 120

Kalahiki's Ld. Inventory 1866 said Kalahiki belonged to Kaniu - Kaniu res. at Au in Waiea - Kapuai an ili of Kalahiki - Gov. ld. disposed of.

Ahupua'a

Waiea

Land Commission Awards:

Hoopuhalu, 9716, 1.40 ac.; Kaupu, 8449, 4.60 ac.; Mikahaka, 11049, 4

Palea, 10745, 4.50 ac.;

According to Kalokuokamaile; this land was named for a chief.

Features: North boundry with Kalahiki, South boundry with Honokua. Puiwa Pt.; Lapawai Bay; Papakolea Pt.; Kapilo Bay.

Kalaniopuu, hearing of the death of Alapai, went to Waiea, S, Kona. Hi, Frag. of Haw'n History, pg. 4

Kaao & Kekoa, 5 ac. of 1-3 yr. old coffee trees, 8 ac. producing. Thru

Under Heiau see 4 Koa

At Kapilo Bay there were a few sites and graves.

Reinecke 1929-1930, Survey of Hawaiian Sites, Part 7, Honaunau to Kau, pg. 5

See Cattlemans Journal by Ikaika - on file

Grant 1586 - Cummings, Waiea, 1371 acs.; Bk. 8; 1855

- Sold by estate of Cummings to Palea, etal. 1/4/1866; Bk. 22: 363

over

And that I am the owner of said land as willed to me by my father.

Said land is bounded as follows, viz.

On the South side by the Government land of Waiea, owned in part by the Estate of late P. Cummings of Kona, on the north by the land, Hookena, owned by Her Excellency R. Keelikolani, on the mauka side by the land Keauhou, on the West by the sea.

Also in North Kona the Ahupuaa Pahoehe, which is bounded on one side by the land Kaumalumalu, owned by Her Excellency R. Keelikolani and on the other side by the land pahoehe & owned by Her Majesty, Queen Emma, and West by the sea.

Also the Ahupuaa Maihe, which is bounded on one side by the land Huamoo and the other side by the land Maihe 2d and by the sea.

The undersigned would respectfully request your honor that the Boundaries of said lands be settled at your earliest convenience.

(signed) Kaniu W. Lumaheihei

Filed July 30, 1873

Kalahiki Ahupuaa, District of South Kona, Island of Hawaii, Boundary Commission, Hawaii, Volume A, No. 1, pp. 290-291

The Ahupuaa of Kalahiki, District of South Kona, Island of Hawaii, 3rd Judicial Circuit

On this Sixth day of August A.D. 1873 the Commissioner of Boundaries for the 3rd Judicial circuit met at the house of Moses Barrett, Keopuka, South Kona for the hearing of the application of W.K. Lumaheihei, for the settlement of the boundaries of Kalahiki, South Kona, Hawaii.

Notice of the hearing of applications for the settlement of boundaries of lands in North and South Kona, having been published in the Hawaiian Gazette and Kuokoa, to be held August 2nd A.D. 1873 and due notice personally served on owners and agents of adjoining lands as far as known.

Present: Mr. W. Lumaheihei for applicant and J.G. Hoapili for Hawaiian Government, Her Excellency, R. Keelikolani and others; Palea for self, Royal Patent No. 1586, filed for boundaries of a portion of Waiea.

For Petition see Folio 222

Testimony

Palea, kane, sworn, I was born at Kalahiki, south Kona, Hawaii at the time of Kuiwai o ka Lae. Have always lived either on Kalahiki or Waiea. Am a kamaaina of the former land, and know part of the boundaries. Kalahiki is bounded on the North side by Kauhako, the boundary at seashore between Kalahiki and Kauhako is at a sharp ridge or point of rocks in the sea, Lae o Maui (Clark's land) is on top of the pali; thence along his land to above the mauka Government road; the line runs along Clark's wall to the makai side of the Government road, the mauka corner of his land is at Puuhau where cocoanut trees and Lauhala are growing; I do not know the boundaries above this point. Nahua, Mahu, Ni'uhi (how dead) the former konohiki of Kalahiki, told me the boundary between that land and Kauhako was an iwi aina, and those men were kamaaina of the land (Kaheana bought a piece of Kauhako [page 291] which extends into the woods, I think Poli now has the deed). The boundary runs into and through the woods to the mountain in an awaawa.

I have heard the awaawa is on Kalahiki and that Kauhako runs on the top of the North bank of said awaawa; to the koa woods where Hookena cuts it off and bounds the land of Kalahiki, into the mamani, and on the mauka side of the mamani Hookena is cut off by Keauhou.

Pohokinikini is the name of two water holes on Waiea, where Cummings land ends and my lands bound Kalahiki from there to the seashore. The sea bounds it on the makai side and the land has Ancient fishing rights extending out to sea.

From the mauka corner of my land of Waiea, the boundary between Kalahiki and Waiea runs from Pohokinikini to Kauhalemanu where bird catchers used to live (I was formerly a bird catcher); thence the boundary runs to Kumumamaki, a water hole; thence to Kalahikiola, a hill covered with trees at the lower edge of the Koa woods; thence to Kalo'i, a water hole; thence to Napalikui; the road runs up the boundary between these two lands; thence to Nanou, an oioina in the koa; thence to Kaulakukui (punawai) a round water hole; thence to a koa tree called Kailiulaula; thence to above the upper edge of the

EXHIBIT

H

ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

ASSOCIATED IMPROVEMENTS IN THE

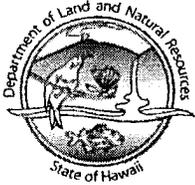
CONSERVATION DISTRICT

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPENDIX 1b

Comments to Draft EA and Responses

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

REF:OCCL:TM

CDUA: HA-3518

Acceptance Date: July 23, 2009

180-Day Exp. Date: January 19, 2010

SEP 10 2009

Roy A. Vitousek, III
Cades • Schutte
75-170 Hualalai Road, Suite B-303
Kailua Kona, Hawaii 96740

Dear Mr. Vitousek:

SUBJECT: Conservation District Use Application (CDUA) HA-3518 for Kuleana Land Use and Access Driveway Located at Kalahiki, South Kona, island of Hawaii, TMK: (3) 8-6-014:012 & (3) 8-6-011:003

This letter is regarding the processing of CDUA HA-3518. The public and agency comment period on this application has closed (September 7, 2009). Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding the CDUA.

Please discuss the proposed land use on TMK: (3) 8-6-011:003 in more detail. What is the width of this 250-foot long lightly graded driveway and how will it be constructed? Describe the survey work that was conducted to reach the conclusion that, 'no archaeological resources were identified in the proposed driveway alignment.'

As the applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law that pertain to the Special Management Area (SMA) requirements administered by the various counties, please forward one of the following to our Office upon receipt: 1) An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA; or 2) An SMA Use Permit for the proposed development from the County of Hawaii.

Respond to the questions and concerns raised in these correspondences. Respond **directly to the authoring agency** and provide a copy of the response to the OCCL. The final copy of your Environmental Assessment (EA) must include your responses to the queries raised in these letters. These responses can be attached to the end of the Final EA document.

Please send 6 hard copies of the Final EA **or** 4 copies and 1 CD in pdf. format to the OCCL by **October 10, 2009**. In addition, please send an electronic copy of the Office of Environmental Quality Control (OEQC) Publication Form to the OEQC at oequ@doh.hawaii.gov and copy staff

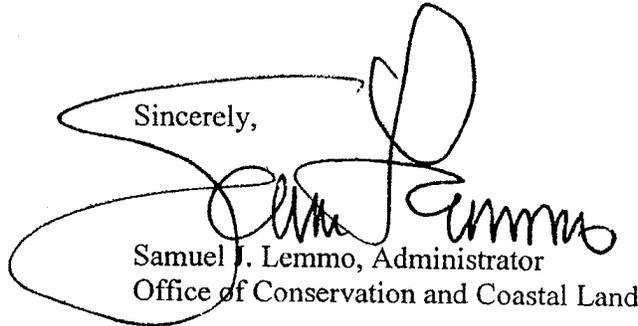
Roy A. Vitousek, III
Cades • Schutte

CDUA: HA-3518

at kimberly.mills@hawaii.gov . If the project summary has changed, include a new summary. Please include a hard copy of the submitted publication form with the Final EAs.

Should the OCCL determine a Finding of No Significant Impact (FONSI) for the final version of the Environmental Assessment then your CDUA may be placed on the agenda of the Board of Land and Natural Resources (Board) for their consideration. However, please note a SMA permit or clearance must be received by the Department from the County of Hawaii prior to going to the Board. Early submittal of responses to comments will expedite the review process. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Land

C: County of Hawaii, Department of Planning

DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. BOX 621 • HONOLULU, HAWAII 96809

OFFICIAL
RECEIPT

¹⁰
~~S-00~~-316-C-1030-0512

| DATE | LAND DISTRICT | DOCUMENT NUMBER | SOURCE SYMBOL | DESCRIPTION | AMOUNT PAID |
|------|---------------|-----------------|---------------|----------------------|-------------|
| | | HA-3518 | | CDUA APPLICATION FEE | 100.00 |

FHB# 48719

• Cades Schutte LLP

REG

CO1

CHECK

07-28-2009 (TUE)

MC#01

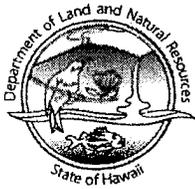
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CUSTOMER COPY

LINDA LINGLE
GOVERNOR OF HAWAII



Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management

RECEIVED
DEPT. OF CONSERVATION
AND COASTAL LANDS
RUSSELL Y. TSUJI
FIRST DEPUTY
C. KAWAHARA
DEPUTY DIRECTOR - WATER

2009 JUL 30 A 1:57

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
TERRACE CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
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NATURAL RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:TM

CDUA: HA-3518

Acceptance Date: July 23, 2009

180-Day Expiration Date: January 19, 2010

SUSPENSE DATE: 21 Days from stamped date

JUL 27 2009

MEMORANDUM

TO:

State Agencies:

- DLNR-Hawaii District Land Office
- DLNR-Forestry and Wildlife
- DLNR-Na Ala Hele
- DLNR-Historic Preservation
- DLNR-Resource Enforcement

Office of Hawaiian Affairs

DOH-Environmental Planning Office

County Agencies:

Hawaii Planning Department

Fire Department

FROM:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3518
Kuleana Land Use

APPLICANT:

Keith and Cynda Unger

TMKs:

(3) 8-6-014:012
(3) 8-6-011:003

LOCATION:

Kalahiki, South Kona, County of Hawaii

PUBLIC HEARING: No

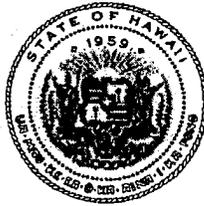
Attached please find the CDUA HA-3518 and our Department's notice to the applicant. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Please contact Tiger Mills at (808) 587-0382 should you have any questions on this matter.

- Comments Attached
- No Comments

Paul J. Conry
Signature
PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE
JUL 29 2009

LINDA LINGLE
GOVERNOR OF HAWAII



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

2009 JUL 29 P 12:03

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

RECEIVED
LAND DIVISION
HAWAII

REF:OCCL:TM

CDUA: HA-3518

Acceptance Date: July 23, 2009

180-Day Expiration Date: January 19, 2010

SUSPENSE DATE: 21 Days from stamped date

JUL 27 2009

MEMORANDUM

TO:

State Agencies:

- DLNR-Hawaii District Land Office
- DLNR-Forestry and Wildlife
- DLNR-Na Ala Hele
- DLNR-Historic Preservation
- DLNR-Resource Enforcement

Office of Hawaiian Affairs

DOH-Environmental Planning Office

County Agencies:

- Hawaii Planning Department
- Fire Department

FROM:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3518
Kuleana Land Use

APPLICANT:

Keith and Cynda Unger

TMKs:

- (3) 8-6-014:012
- (3) 8-6-011:003

LOCATION:

Kalahiki, South Kona, County of Hawaii

PUBLIC HEARING: No

Attached please find the CDUA HA-3518 and our Department's notice to the applicant. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Please contact Tiger Mills at (808) 587-0382 should you have any questions on this matter.

- () Comments Attached
- (x) No Comments

Signature

2009 AUG -6 A 8:42
RECEIVED
CONSERVATION
DISTRICT LANDS
DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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

September 22, 2009

Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Lemmo:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

I am in receipt of your letter to Roy A. Vitousek, III, of September 10, 2009, transmitting the agency and public comments that DLNR received on the project and providing instructions for submittal of the Final EA to your office.

In the interest of a complete record on comment letters to the EA/CDUA, I would like to acknowledge receipt of comments with no-comment checkmarks from DOFAW and Land Division. For all other commenters (including Na Ala Hele, which did not provide a mailing address and therefore I assume that DLNR's post office box will suffice), I have sent response letters, which are copied to your agency as an attachment to this letter.

In answer to your specific comments:

1. *Width of driveway and archaeological inventory survey that documented lack of effects to historic properties.* The driveway would be no more than 15 feet wide. This information has been added to the Final EA. The following locations in the archaeological inventory survey discuss the driveway.

Page 1: "A proposed driveway corridor extends off the east side of the current study parcel for approximately 26 meters before turning south and extending approximately 50 meters at which point it meets up with an existing mauka/makai ranch road."

Page 3, Figure 2, provided a map of the driveway corridor.

Page 21, Methods: "The corners of the study parcel were clearly marked in the field with survey markers (pipe or nail in concrete) as was the driveway corridor."

Page 22, Findings: "No archaeological resources were identified in the proposed driveway alignment."

2. *Special Management Area compliance.* The Final EA will report on the status of the SMA Use Permit or official determination of exemption.

Your letter requests four hardcopies of the EA and a CD with the file in a pdf format. We will be happy to comply with this request. Please note that as the author of an EA which reports in Part 4 the DLNR conclusion about whether the impacts are significant (and therefore requires an EIS) or not significant (and therefore merits a FONSI), I will need to know DLNR's decision before finalizing the EA and making a number of copies. Can you provide us with some guidance on how to proceed in this?

We very much appreciate your processing of the EA for the project. If you have any 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. Below the name, there is a horizontal line that tapers to a point on the right side.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
DEPT. OF CONSERVATION
& COASTAL LANDS

AUG 20 A 9 19

DEPT. OF LAND &
NATURAL RESOURCES
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
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COMMISSION ON WATER RESOURCE MANAGEMENT
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CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 13, 2009

LOG NO: 2009.3229
DOC NO: 0908MD19
Archaeology

TO: Samuel J. Lemmo, Administrator
DLNR Office of Conservation and Coastal Land

FROM: Nancy McMahon, Deputy SHPO/State Archaeologist and Historic Preservation Manager

State Historic Preservation Division

Handwritten signature of Nancy A. McMahon in cursive script.

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Conservation District Use Application (CDUA) HA-3518 for Kuleana Land Use
Kalahiki Ahupua`a, South Kona District, Island of Hawaii
TMK: (3) 8-6-014:012 & 8-6-011:003 (por.)**

Thank you for the opportunity to comment on the aforementioned project, which we received on August 4, 2009. We are unable to provide a recommendation regarding this application at this time because the archaeological inventory survey (for the main parcel, TMK: 8-6-014:012) has been returned for revisions in July (Log No. 2009.0709, Doc No. 0907MD06). While we do not anticipate a problem assuming our requested revisions are addressed, we have not yet received a revised version for review.

Please note that the AIS we reviewed is for the kuleana parcel only, and did not include the parcel intended for the driveway easement. If you have questions about this letter please contact Morgan Davis at (808) 933-7650.

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

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

September 22, 2009

Nancy McMahan, Deputy SHPO
State Historic Preservation Division
601 Kamokila Blvd., Rm. 555
Kapolei HI 96707

Dear Ms. McMahan:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

Thank you for the comment letter dated August 13, 2009, indicating that pending receipt of revisions, you do not anticipate a problem in providing concurrence with the findings of the inventory survey. According to our records, the requested revisions were supplied to your office on July 27, 2009.

You also state that the AIS you reviewed concerned the kuleana only, and not the parcel intended for the driveway easement. The AIS was not meant to cover that 156-acre parcel, but instead to cover the roughly 250-foot by 15-foot wide area (0.086 acres) to be used for a driveway. The AIS treats with the driveway in a number of sections.

Page 1: "A proposed driveway corridor extends off the east side of the current study parcel for approximately 26 meters before turning south and extending approximately 50 meters at which point it meets up with an existing mauka/makai ranch road."

Page 3, Figure 2, provided a map of the driveway corridor.

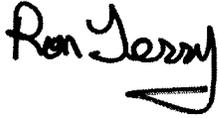
Page 21, Methods: "The corners of the study parcel were clearly marked in the field with survey markers (pipe or nail in concrete) as was the driveway corridor."

Page 22, Findings: "No archaeological resources were identified in the proposed driveway alignment."

We trust that subsequent correspondence from SHPD related to the AIS can clarify the status of your concurrence with the finding of no historic properties present or affected for the kuleana and the driveway portion of the project as well.

We very much appreciate your review of the document. If you have any 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 style with a large, stylized initial "R" and a long, sweeping underline.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III



NA ALA HELE
Hawai'i Trail & Access System

RECEIVED
FILE OF CONSERVATION
DISTRICTAL LANDS

2009 AUG 14 A 11: 00

August 13, 2009

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Ref: H09:09 Kalahiki

TO: Samuel J. Lemmo, Administrator

FROM: Doris Moana Rowland, Abstractor and
Interim Program Manager *DMR*

SUBJECT: Conservation District Use Application (CDUA) HA-3518
Kuleana Land Use at Kalahiki, South Kona, County of Hawaii
Tax Map Keys: 8-6-14-12 and 8-6-11-3

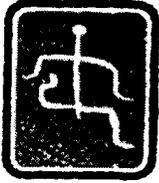
Na Ala Hele is aware of a historic trail located along the makai side of the proposed project. This trail has been documented on Land Commission Award Number 9746C dated April 24, 1853. This coastal trail may eventually be incorporated into the Ala Kahakai National Historic Trail system.

The applicants acknowledge the historic trail and plan a 40' building setback from the certified shoreline. This will allow ample area for public pedestrian access along the coastal trail.

Therefore, Na Ala Hele has no objections to the proposed project.

c: Clement Chang, NAH
Nancy McMahon, SHPD
Horace Yanagi, County of Hawaii Planning Department

Add info - Please file w/ COUA HA-3578 -Wagner



NA ALA HELE
Hawaii Trail & Access System

RECEIVED
DEPT. OF CONSERVATION
STATE LANDS

2009 AUG 19 P 2: 42

March 16, 2009

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Ref: H08:16 Hookena

TO: Clement Chang, Trails Specialist

FROM: Doris Moana Rowland, Abstractor *DMR*

SUBJECT: Disposition of Trails through Tax Plat 8-6-11 being a portion of Kealia 2nd to Kalahiki, South Kona, Hawaii

In response to your request for assistance regarding the disposition of trails within the above subject lands, research has been completed. Tax Plat 8-6-11 (see attached map) encompasses the makai portion of the following ahupuaa: Kealia 2nd, Hookena, Kauhako and Kalahiki. There are numerous other plats scattered within this plat, but they are not the focus of this report.

The tax map delineates three trails within the subject area: 1). a lateral coastline trail within Kealia 1st terminating at Hookena Village; 2). a short section of trail from the Kealia Beach Lots that connects to 3). an inland trail that parallels the coastline from Kealia 1st to Waiea.

These three trails are shown on the following maps on file at the State Survey Office: Registered Map No. 983 "Kauhako Landing and Vicinity" dated 1883, and Registered Map No. 1745 "Hookena Section" dated 1895. The inland trail is also identified on the Notes of Survey dated 1853 for Grant Nos. 1454 and 1466.

It appears the tax map was prepared using the early government maps as a base to determine the approximate location of the land titles and trails within the subject lands. Records fail to disclose a metes and bound survey or other description of the four trails.

Based on the map evidence above, pursuant to the Highways Act of 1892, the State of Hawaii through its Board of Land and Natural Resources may claim fee simple interest in the three trails identified above. This claim has not been affirmed by legal analysis, and all readers of this abstract must understand that only a court can make such a determination. The following discussion will outline the issues that must be addressed before this program can encourage public use, maintenance or construction activities.

Na Ala Hele Administrative Rules

Trails that can be claimed in fee simple by the Department of Land and Natural Resources are under the jurisdiction of the Land Division. Pursuant to Hawaii Administrative Rules 13-130, the Board of Land and Natural Resources (BLNR) must review and approve to designate the trail or trail section as part of the NAH Program. This requires preparation of a Board Submittal that is presented at a public meeting.

Legal Analysis

Generally speaking, the State's position is that if a road or trail existed in 1892, the State (or a county) still owns the feature in fee simple. Ownership is not affected by non-use, no matter how long the non-use has continued. Any claim by the State of Hawaii to a historic or ancient trail is subject to challenge by adjoining landowners, which may require civil action to resolve. If however, the adjoining landowner is convinced of the State's claim based on the evidence provided, ownership of the trail is no longer an obstacle to development.

Physical Location

It is recommended that the trail alignments' physical location be confirmed through a metes and bounds or centerline survey to exactly describe the public access corridor through adjoining lands. This would require a notice be sent to adjoining landowners informing them of the date(s) and time(s) the survey would be conducted and seek permission to enter upon their land. If a private survey company performs the survey, a copy must be provided to the State Survey Division, for their review.

Historic and Archaeological Features

Assistance from Historic Preservation (HP) is necessary to identify any archaeological or burial sites that may be within the trail corridor and determine the proper treatment of the same. This would include the preparation of a Historic Preservation Management Plan (HPMP) on historic and archaeological features located along the corridor. The scope of the HPMP will be determined jointly by HP and NAH staff utilizing existing HP data (if available), collection of information from adjacent private landowners and input from the local community.

The HPMP may be produced by either 1) NAH staff in consultation with HP staff, 2) through contracting a private consultant, or 3) by the developer if there is a related development. The HPMP would be subject to review and approval by HP.

Trail Maintenance and Development

It is necessary to determine and document through a Memorandum of Agreement (MOA) that trail maintenance and stewardship will be conducted by either:

- 1) Adjacent landowners/developers where the trail is bordered on either side by private land;
- 2) Interested community members/organizations, or
- 3) Existing Division of Forestry and Wildlife and Na Ala Hele staff. If either 1 or 2, NAH will draft MOA on trail stewardship.

In the cases where ancient or historic trails would be impacted by development, the County of Hawaii Planning Department offers NAH the opportunity to comment on possible buffer or no build zones to protect those features.

Trail development includes, but is not limited to: brushing the trail of encroaching vegetation, trail reconstruction, and installation of appropriate informational and directional signage and other mitigative measures for public safety and cultural resource protection. Trail improvements and signage are intended to keep the public along the State owned trail corridor and off any adjacent private property, in addition to deterring the public from investigating or tampering with historic or archaeological sites located along the trail on the adjacent private property (where applicable).

Na Ala Hele Advisory Councils

Comprised of trail user groups and constituents, these councils have been established statewide to provide a venue for public input on implementing the program. NAH's Hawaii Island Advisory Council has adopted Guidelines for the Treatment of Historic Hawaiian Trails, a copy of which is available for review upon request.

Once all the issues above are addressed, the trail corridor (or segment) can be opened for managed public use and recreation.

c: Aric Arakaki, NPS

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

September 22, 2009

Doris Moana Rowland, Interim Program Manager
Na Ala Hele Program
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Rowland:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

Thank you for the comment letter dated August 13, 2009, indicating given the applicants' acknowledgment of the historic trail and the voluntary 40-foot building setback from the certified shoreline and Old Road (presumably represents the alignment of the coastal trail), which will allow ample area for public pedestrian access along the coastal trail, Na Ala Hele has no objections to the proposed project.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

**Dennis Ka'ui Hart
P. O. Box 1441
Kealahou, Hawaii 96750
937-6039
Dennishart47@yahoo.com**

September 5,

Ron Terry
Geometrician Associates, LLC
P O Box 396

RE: Draft Environmental Assessment dated June 2009 for construction of a single family dwelling and associated improvements by Keith and Cynda Unger in the Conservation District of Kalahiki, South Kona, TMK (3) 8-6-014:012 and 8-6-011:003

Aloha,

My name is Dennis Ka'ui Hart and I would like to respond to the above-mentioned draft environmental assessment.

There are areas on the McCandless Ranch that have been destroyed. Before the proposed construction project can proceed, these destroyed areas need to be taken care of first. The destruction of the Ala Loa and a mauka-makai trail were destroyed in June 2008. The destruction of these roads and trails are also the destruction of SMA lands, conservation lands, State and public lands.

One of the areas destroyed is a portion of the Ala Loa which is located in the ahupua'a of Kauhako. The draft EA contains maps and archaeological surveys that shows that Keith and Cynda Unger and McCandless Ranch had prior knowledge of the existence of the Ala Loa and the mauka-makai trail when they were destroyed in June 2008 by the ranch's bulldozing activities. It is important for this report to note that a portion of the Ala Loa and mauka-makai trail was destroyed as a result of the bulldozing by McCandless Ranch. The report should also document the answers to the following questions: *Who did it? Why was it done without a permit? What was the purpose of destroying the Ala Loa?*

When I found out that the Ala Loa and mauka-makai trail had been bulldozed I contacted Keith Unger to ask him about the destruction. I also contacted the County of Hawaii and SHPD to report the destruction and file a complaint. The next day, June 22, 2008, I met with Mr. Unger to discuss the bulldozing activity. The following day I contacted Clem Chang of Na Ala Hele to report the destruction of a portion of the Ala Loa and the mauka-makai trail. He told me he was

going to do an abstract to find out who owned the Ala Loa in that section. Mr. Chang said that he didn't have a map of the area but I knew that Clarence Medeiros had a map so I asked him to call Mr. Chang and give him the information he needed to get a copy of the map. Mr. Medeiros is a member of KUPA and he has been spear-heading KUPA's project to preserve and protect the trails in South Kona. On July 29, 2008 a group of us met with Bob Rechtman, a consultant hired by McCandless Ranch, to discuss the destruction of the Ala Loa and the mauka-makai trail. Also at the meeting was Clarence and Nellie Medeiros of KUPA, Roy Santana of Na Hoa Aloha O Ka Puuhonua O Honaunau, Rick Gmirkin of the Ala Kahakai National Historic Trail, and Randy Lovato & Horace Yanagi of the County of Hawaii Planning Dept. I also asked Clem Chang of Na Ala Hele and Morgan Davis of SHPD to attend the meeting. Morgan Davis made it to the meeting. Clem Chang told me that he would be attending the meeting but he never showed up. After the meeting I requested to go on a site visit to the destroyed section of the Ala Loa and Mr. Rechtman took us. As far as I know, no action has been taken since then regarding the destruction of the Ala Loa and mauka-makai trail.

This project should be put aside until the destroyed trails have been rebuilt and a preservation and management plan developed for their protection and preservation.

Mahalo,

A handwritten signature in black ink that reads "Dennis Ka'ui Hart". The signature is written in a cursive, flowing style.

Dennis Ka'ui Hart

cc: Director, Office of Environmental Quality Control
Tiger Mills, DLNR

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

September 22, 2009

Dennis Ka'ui Hart
PO Box 1441
Kealahou HI 96750

Dear Mr. Hart:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

Thank you for the comment letter dated September 5, 2009, outlining your concern about an alleged trail destruction in 2008 on a portion of McCandless Ranch. The "destruction of historical sites in 2008" you allege apparently relates to an area located approximately one mile from the project site and does not relate to the proposed single family home and driveway. We understand you have made these same allegations to a number of State and County regulatory agencies and that formal investigations and at least one site visit (in which you participated) have been conducted. We assume the responsible agencies will take whatever actions they believe are appropriate, if any. I would note that the proposed driveway will help guide the residents of and visitors to this kuleana off the shoreline, which is presently used for a road.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

RECEIVED
OFFICE OF CONSERVATION
& COASTAL LANDSSTATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS 2009 AUG 24 A 8: 28
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII.

HRD09/4583

August 18, 2009

Samuel J. Lemmo
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hi 96809

RE: Conservation District Use Permit Application for the Unger single family residence, South Kona, Hawai'i Island, TMK: (3) 8-6-014: 012 and (3) 8-6-011: 003.

Aloha e Samuel J. Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of your letter requesting comments on the above-mentioned project. Keith and Cynda Unger propose to construct an approximately 2,046-square foot single family residence on a 0.20-acre kuleana lot in South Kona. The project will include a composting toilet, a shower that recycles graywater for irrigation, a generator, a 10,000-gallon water tank and a parking area. OHA has reviewed the project and offers the following comments.

OHA is concerned that the EA for this project does not contain an alternatives analysis. The heart of the environmental review document is its discussion of alternatives. An EA should contain a rigorous and objective analysis of all reasonable alternatives to the proposed action, including a discussion of the "no action" alternative as a base-point to which the proposed action can be compared.

The Office of Environmental Quality's *Environmental Guidebook* at page 17 states that "alternative methods and modes of [the] project be included in the draft EA." The purpose of the alternatives analysis is to compare different ways of carrying out a desired project. The applicant should then select the one that will result in the "least detrimental effect on the environment." Thus, the applicant should look at alternatives that consider factors such as different implementation methods and facility configurations.

We will rely on 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. In addition, we

Samuel Lemmo
August 18, 2009
Page 2

appreciate that the project will not impact Native Hawaiian traditional and customary rights, particularly those relating to accessing the ocean and gathering marine resources. OHA also supports the applicant's recommendation of a CDUP condition prohibiting the use of the proposed beach house as a bed and breakfast or vacation rental. We also appreciate that the applicant plans to use a shoreline setback that is double what is required by the County of Hawai'i.

We note that surface run-off from construction may harm Native Hawaiian traditional and customary practices conducted at neighboring beaches. We ask that the applicant establish Best Management Practices (BMPs) to address surface run-off during construction. These BMPs should be implemented prior to the start of construction and be maintained and monitored throughout the construction phase of the project.

Thank you for the opportunity to comment. If you have further questions, please contact Sterling Wong by phone at (808) 594-0248 or e-mail him at sterlingw@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator

C: OHA Kona CRC Office

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

September 22, 2009

Clyde Nāmu‘o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 1250
Honolulu HI 96813

Dear Mr. Nāmu‘o:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

Thank you for your comment letter dated August 18, 2009, on the Draft EA. In answer to your specific comments:

1. *Alternatives analysis.* Our understanding of Chapter 343 and its implementing regulations do not lead us to the same conclusion about the requirement for in-depth alternatives analysis for a single-family home project. If an applicant desires to build a home on a property, there is no need to conduct an analysis that measures the impacts of various alternative uses, e.g., a park, a school, a shopping center, or a museum, unless the applicant truly envisions these as projects that he or she would want to implement. Similarly, although there are an infinite variety of home styles, there is no reason to develop any number of home alternatives, unless the applicant is actually considering more than one design. This would hardly be practical or fair to a prospective homeowner. As it is, the process requires an applicant to design a home that meets the exacting guidelines of the Office of Coastal and Conservation Lands, which mandate maximum size, height, placement of the structure on the lot, landscaping types, visually compatible materials, etc. Then the design is evaluated in the EA against various regulatory and environmental criteria to determine whether there are adverse impacts, with the No Action alternative always presented as the baseline. If adverse impacts are identified, then the design is modified or mitigation measures put in place. In the case of the Ungers' very modest home, no adverse impacts were identified and the design meets all regulatory guidelines, and the proposed home is thus environmentally acceptable. It should be noted that the Ungers have incorporated sustainable practices into the design of

the house from the beginning, including a design that maximizes natural light and ventilation, utilizes indigenous xerophytic vegetation, and uses a composting toilet, and recycles greywater. I hope this clarifies our approach to alternatives.

2. *Precautions in case of discovery of iwi kupuna, or Native Hawaiian traditional or cultural deposits during construction.* The applicant will diligently observe this condition during construction and afterward.

3. *Vacation rental prohibition and voluntary shoreline setback.* The applicants appreciate your comments.

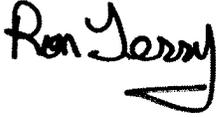
4. *Runoff from construction on beach.* Although construction of one single-family home is both unlikely to generate substantial environmental problems and is not suited to large construction project BMPs, the Ungers value the pristine setting at Kalāhiki. As part of construction, they will require that their contractor implement the following practices.

- The total amount of land disturbance will be minimized. The construction contractor will be limited to the delineated construction work areas within the kuleana or driveway areas.
- The contractor will not allow any sediment to leave the site, particularly towards the ocean.
- Unused materials and excess fill will be removed and disposed of at an authorized waste disposal site. The contractor will be encouraged to recycle or donate for reuse excess material, as appropriate.
- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the contractor will be asked to adhere to “Good Housekeeping” for all appropriate substances, with the following instructions:
 - Onsite storage of the minimum practical quantity of hazardous materials necessary to complete the job;
 - Products will be kept in their original containers unless unresealable, and original labels and safety data will be retained;
 - Disposal of surplus will follow manufacturer’s recommendation and adhere to all regulations;
 - Manufacturers’ recommendations for proper use and disposal will be strictly followed;
 - Regular inspection by contractor to ensure proper use and disposal;
 - Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance to minimize leakage;
 - All spills will be cleaned up immediately after discovery, using proper materials that will be properly disposed of;
 - Regardless of size, spills or toxic or hazardous materials will be reported to the appropriate government agency;
 - Should spills occur, the spill prevention plan will be adjusted to include measures to prevent spills from re-occurring and for modified clean-up procedures.

This information has been added to the Final EA.

We very much appreciate your review of the document. If you have any 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 style with a large, sweeping flourish at the end.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2009 AUG 24 A 8:24

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

August 19, 2009

Mr. Roy A. Vitousek III
Cades Schutte, LLLP
75-170 Hualālai Road, Suite 303
Kailua-Kona, HI 96740

Dear Mr. Vitousek:

**Subject: Special Management Area (SMA) Use Permit Assessment
Application (SAA 09-000474)**
Applicant: Keith and Cynda Unger
Owner(s): McCandles Land & Cattle Company, LLC
Request: Construction of a Single-Family Dwelling and Access Driveway
TMK: 8-6-014:012 and 8-6-011:003, Por. Kealia 2nd to Kalahiki, South Kona, Hawai'i

This is to acknowledge receipt on July 17, 2009 of your re-submittal of the application for the construction of a single-family dwelling and access driveway on the subject parcels.

Parcel 8-6-014:012 is 0.2 acres and parcel 8-6-011:003 is 156.192 acres. Parcel 8-6-014:012 is designated Conservation and parcel 8-6-011:003 is designated Conservation and Agriculture by the State Land Use Commission. All proposed activity is to occur in the Conservation District of the parcel. Due to the Conservation District designation, the County of Hawai'i zoning of Open and Agriculture (A-5a) do not apply. The County of Hawai'i Land Use Pattern Allocation Guide designates parcel 8-6-014:012 as Open the other as both Open and Extensive Agriculture. Parcel 8-6-014:012 is located entirely within the Special Management Area (SMA), the other parcel is partially in the SMA.

Our previous review of the first submittal identified a number of issues that needed to be addressed before we are able to process your application. They are listed for you again here:

1. All landowners of both parcels involved in the proposed action must sign the application form or provide letters of approval for the proposed project.

- According to Real Property Tax records there are multiple entities who share ownership of parcel 8-6-014:012 with McCandles Land and Cattle Company, thus title documentation will also need to be provided identifying all owners of this parcel. Parcel 8-6-011:003 is jointly owned by Noenoe Marks Lindsey, McCandles Land and Cattle Company, and Elizabeth Marks Stack.
2. The application provides an archaeological survey of parcel 8-6-014:012 and notes the remains of several historic sites on the parcel, however no comments from State of Hawai'i Department of Land and Natural Resources (DLNR) Historic Preservation Division (SHPD) were submitted as part of the application. The comments are essential in our review of the application to ensure the appropriate preservation and mitigation measures are employed. The proposed driveway alignment was noted as not having any historic features in the application, though no mention was made of areas surrounding the proposed driveway which may be impacted by construction activities, or whether the driveway was impacted by any buffer requirements from nearby historic sites. Also, there was brief mention of the historic King's Trail as being makai of the project site and that the trail was not identifiable. The trail alignment is part of the work that should be identified and approved of during the archaeological review, once again so that we can ensure the historic trail is not being disturbed and that appropriate buffers from the trail are being implemented to protect it from the proposed construction activities. Confirmation of the location of the historic trail and all applicable buffers must be confirmed in writing by DLNR Na Ala Hele Program (NAH).
 3. There are two potential zoning code and/or SMA violations on parcel 8-6-011:003, including the alleged bulldozing and destruction of part of the King's Trail and the construction of an unpermitted dwelling. Both of these violations will need to be rectified prior to the Department granting approval for other activities on the parcels.
 4. The proposed driveway over parcel 8-6-011:003 cannot be considered accessory to the proposed single-family dwelling as it is located on a separate parcel. Therefore, the cost of the proposed driveway must be provided so a determination can be made as to whether it would require a SMA Major Use Permit or a SMA Minor Permit.

Your re-submittal has adequately addressed the first point, relating to ownership of the subject parcels. We appreciate you providing us the documentation clarifying ownership of the subject parcels.

In your letter of July 15, 2009 which accompanied the re-submittal of the SMA Assessment Application, you state that according to Planning Commission Rules of Practice and Procedure (PC Rules) 9-10 that there is not a requirement for the applicant

to obtain and submit SHPD comments as part of the SMA Assessment Application and as such, you believe the application to be complete. However, you neglected to note that according to PC Rules section 9-10H, the Director must consider any possible "substantial adverse effect" to the SMA based on the criteria outlined. This criterion includes, "when the proposed use, activity, or operation: 1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource, including but not limited to, historic sites..." Given that SHPD has the statewide authority over all historic sites, and that the archaeological report in your draft EA highlights numerous archaeological sites on parcel 8-6-014:012 and near the proposed building site on parcel 8-6-011:003, we find that the proposed use, activity, or operation associated with the construction of a single-family dwelling may have an irrevocable loss of or destruction to historic sites, and that SHPD is the most qualified entity to make that determination. As such, we are holding to our requirement that SHPD comments be submitted to us so that we may consider those in our review of the application. We are also holding to our requirement that comments from NAH be submitted with the application since your archaeological survey notes that part of the "Old Road" crosses into parcel 8-6-014:012. If the Old Road is part of an historic trail then measures meeting with the approval of NAH will need to be accounted for in any proposal.

Your July 15, 2009 letter goes on to express concern over our desire to fully research and understand all issues related to a complaint we received in 2008 regarding bulldozing of an historic trail on parcel 8-6-011:003. We apologize that we did not have full information regarding the complaint at the time you first submitted your application. The application submittal increased the urgency of researching the complaint as it is not our practice to issue permits for parcels with outstanding, or pending, violations or allegations. Through cooperation with you and the landowner, we have been able to clarify some of the concerns and are close to concluding the investigation. If any violations are identified, their resolution or corrective actions will not delay the processing of the SMA Assessment Application.

Finally, you disagree with us on whether the driveway can be considered an accessory to the dwelling since it is on a different parcel. You cite PC Rule 9-4(21) which defines "Single-Family Residence" as "...any such uses or structures are situated on the same lot or building site..." However, if you research further, you will find the Hawai'i County Zoning Code Chapter 25-1-5(b) states "'Building site' means a parcel of land which is occupied or is to be occupied by a principal use and accessory uses or a building or group of buildings, and includes a lot and a plot," emphasis added. Since the definition clearly does not say that the building site can encompass multiple parcels, only a parcel, we interpret this to mean the accessory structures can only be on the parcel with the permitted use or structure.

Mr. Roy A. Vitousek
Cades Schutte, LLLP
Page 4
August 19, 2009

Having made this clarification, we find this is a pointless discussion since we will likely not oppose the driveway so long as its construction does not impact historic sites. We received confirmation from you on August 19, 2009 that the estimated cost of creating the driveway on parcel 8-6-011:003 is approximately \$1,200. This information allows us to determine whether the construction will require a SMA Minor Permit or a SMA Major Use Permit. Once we receive the comments from SHPD regarding the alignment of the driveway in terms of possible impacts to historic sites or buffers to historic sites, we will make a final determination on the permitting requirements for the driveway. Your contention that your client has a legal right to enter the kuleana from the Old Road makai (seaward) of the parcel would require that you obtain permission from DLNR Office of Conservation and Coastal Land since the road is makai of the certified shoreline, and from SHPD and NAH since the road is potentially a historic trail and any use of the trail by vehicles or as a driveway would need to be approved by them. Only after we received comments from these three agencies would we review the proposed use of this road as your driveway for SMA purposes.

As a result of the above, the re-submitted application is being returned to you as incomplete. We emphasize again, when you resubmit the application, the following points must be addressed or it will be returned to you again as incomplete.

1. Submit comments from SHPD and NAH regarding preservation or buffer requirements for any historic sites, including historic trails, that may potentially be impacted by the proposed activities;
2. Given that the certified shoreline survey expired on June 19, 2009, our previous letter to you, dated July 8, 2009, allowed a three (3) month extension for the re-submittal of the application without having to recertify the shoreline. We will continue to honor this time extension; you have until October 8, 2009 to submit a complete SMA Assessment Application.

Finally, we would also like to again express our general concern with the suitability of this location for a single-family dwelling. The site is in close proximity to various hazards including flood zones and tsunami inundation zones. While the applicant feels confident that these hazards will not affect them, the reality is that the proximity of the shoreline to the building site, and the propensity for hazards in this area, mean the likelihood of being impacted by one of these hazards during the expected 50 year life of the dwelling is high. This ultimately puts first responders in hazards way unnecessarily. The re-submittal of the application will need to discuss this potential impact of natural hazards in further detail.

Mr. Roy A. Vitousek
Cades Schutte, LLLP
Page 5
August 19, 2009

Should you have questions, please feel free to contact Dana Okano of this office at 961-8288.

Sincerely,



BJ LEITHEAD TODD
Planning Director

DO:mad
P:\wpwin60\CZM\SMMAA\2009\SAA 09-474 McCandles Ranch.doc

Enclosure: Original SMA Assessment Application

xc ltr only: Long Range Planning
Planning Department, Kona
Mr. Randy Lovato, Kona Planning

✓ Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96809

Department of Land and Natural Resources
State Historic Preservation Division
40 Po'okela Street
Hilo, HI 96720

Department of Land and Natural Resources
Na Ala Hele Program
19 E. Kawili Street
Hilo, HI 96720

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

September 22, 2009

Bobby Jean Leithead-Todd, Director
Hawai'i County Planning Dept.
101 Aupuni Street, Suite 3
Hilo HI 96720

Dear Ms. Leithead-Todd

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

I am in receipt of your comment letter to Roy Vitousek, III, dated August 19, 2009, on the Special Management Area permit. As your comments pertain to procedural and factual issues concerning the SMA application rather than environmental issues related to the Draft EA, I will not respond in this letter. Mr. Vitousek reported that he submitted the SMA Assessment to your department and anticipates a decision on the request for exemption once the Planning Department has received and reviewed final comments from the agencies.

If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Ala Kahakai National Historic Trail

73-4786 Kanalani St., Suite 14

Kailua-Kona, HI 96740

September 4, 2009

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

RE: *DRAFT ENVIRONMENTAL ASSESSMENT, KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND ASSOCIATED IMPROVEMENTS IN THE CONSERVATION DISTRICT. June 2009. TMK (3rd): 8-6-014:012 and 8-6-011:003 Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i*

Dear Mr. Terry:

Thank you for providing the National Park Service with the opportunity to submit comments to you during your preparation of a Draft Environmental Assessment (DEA) for the Keith and Cynda Unger single family dwelling in Kalāhiki, South Kona.

The National Park Service (NPS) administers the Ala Kahakai National Historic Trail (NHT), added to the National Trails System by the U.S. Congress on November 13, 2000 (Public Law 106-509). The legislation authorizing the Ala Kahakai NHT identifies an approximately 175-mile portion of prehistoric *ala loa*, and other trails on or parallel to the seacoast extending from Upolu Point on the northern tip of Hawaii Island down the west coast of the island around South Point to the east boundary of Hawaii Volcanoes National Park. The Ala Kahakai National Historic Trail combines surviving elements of the *ala loa* with segments of later *alanui aupuni*, which was developed on or parallel to traditional routes, *mauka-makai* trails, and more recent pathways and roads that create links between the historic segments. Natural and cultural resources and landscapes are vital to the mission of the Ala Kahakai National Historic Trail.

The National Park Service thanks the applicant for recognizing elements of the Ala Kahakai NHT in the draft environmental assessment. In January 2009, the Ala Kahakai NHT Comprehensive Management Plan (CMP) and EIS were adopted as policy and listed in the Federal Register. The DEA (p. 24,25) was correct in stating that the maps in the Draft EIS were general. This was done intentionally. The exact route on the ground is yet to be determined for much of the 175 mile trail corridor.

Hazardous Substances, Toxic Waste and Hazardous conditions

The shoreline area of Kalāhiki is an important resource for the *kuleana* lot owners and members of the community. Section 3.1.6 states that “the applicant will ensure” that “Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides,

and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean”.

Please detail the applicant’s best management practices to prevent herbicides, pesticides and fertilizers from blowing, flowing, washing or leaching into the ocean during and after construction.

Cultural and Historic Resources

Ala Kahakai National Historic Trail was established to administer the preservation and protect, reestablish as necessary, and maintain the ancient coastal *ala loa* and associated resources and values, along with linking trails on or parallel to the shoreline. The goal is to provide high quality experience, enjoyment and education guided by Native Hawaiian protocol and etiquette while protecting the trail’s natural and cultural heritage and respecting private and community interests. The 175 mile trail corridor includes those trails found within Kalāhiki.

According to our records there are at least three trails located within TMK 8-6-011:003 pertaining to the Keith and Cynda Unger Residence DEA. The three trails are the *ala loa*, or “old road” as described in the DEA which abuts the west side of TMK 8-6-014:012, the *alanui aupuni*, or government road, located on the upslope side of the cliff above the subject property, and a *mauka-makai* trail.

The “old road” appears on TMK map 8-6-014. On the “Map of Kauhako Landing and Vicinity”, Registered Map 893, created in 1883 by J.S. Emerson, the “old road” is referred to as a “trail”. This trail appears to have been a section of *ala loa*, altered through time to accommodate later forms of transportation. From Hookena this trail passes along the base of Pali Anihi, then makai of the *kuleana* lots in Kalāhiki, continuing further south along the shoreline. In Waiea, the next *ahupua’a* to the south, a portion of this trail retains prehistoric elements, including steppingstones.

The *alanui aupuni*, located above the Pali Anihi, is a lateral trail that connects Napoopoo, Honaunau, Hookena, Kalāhiki to lands south of the project area. This trail, between Kiilae and Waiea, has been abstracted by State of Hawaii, Division of Forestry and Wildlife, Na Ala Hele, and qualifies under the Highways Act of 1892.

References to the *mauka-makai* trail within Kalāhiki are found within the DEA.

The “old road” or *ala loa*, the *alanui aupuni*, and the *mauka-makai* trail are important trails within Kalāhiki. The preferred route for the Ala Kahakai National Historic Trail for travel from the Hookena side of Kauhako Bay to the Kalāhiki side of the bay would be the State abstracted *alanui aupuni* above Pali Anihi. This is the safest pedestrian route between these two points of land. The trail along the base of Pali Anihi is in disrepair, eroded by wave action and possibly by earthquake activity. The trail abutting the west side of the subject *kuleana* lot would be an excellent addition to the National Trail System, the inclusion of the *alanui aupuni* is critical to the safety of trail users.

Ala Kahakai NHT is looking forward to working with the landowners and communities of Kalāhiki, Hookena and greater South Kona to initiate managed access along this unique and fragile section of the Ala Kahakai NHT corridor.

I appreciate this opportunity to provide our comments. Please contact me, 808-326-6012 ext.101, or our resource staff archeologist, Rick Gmirkin, at ext. 102 to discuss any questions you may have on our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Aric Arakaki". The signature is fluid and cursive, with the first name "Aric" being more prominent than the last name "Arakaki".

Aric Arakaki
Superintendent

cc: B. Leithead-Todd, County of Hawaii Planning Department
State of Hawaii, DLNR, Department of Forestry and Wildlife, Na Ala Hele
State of Hawaii, Office of Conservation and Coastal Lands
State of Hawaii, State Historic Preservation Division
Office of Environmental Quality Control
NPS Pacific West Region

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integrating geographic science and planning

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

September 22, 2009

Aric Arakaki, Superintendent
Ala Kahakai National Historic Trail
73-47865 Kanalani Street, Suite 14
Kailua-Kona HI 96740

Dear Mr. Arakaki:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 8-6-011:003 (por.)

Thank you for your comment letter dated September 4, 2009, on the Draft EA. In answer to your specific comments:

1. *Background on Ala Kahakai.* Thank you for acknowledging our efforts to include both general information on the Ala Kahakai's programs and goals, and as specific information as possible regarding potential trail segments near the Ungers' property.

2. *Best Management Practices.* Although construction of one single-family home is both unlikely to generate substantial environmental problems and is not suited to large construction project BMPs, the Ungers value the pristine setting at Kalāhiki. Through the years they have avoided adversely affecting the site through garbage or pollution and have hauled out waste that beachgoers, fisherman or tides and currents have left on the shoreline. As part of construction, they will require that their contractor implement the following practices.

- The total amount of land disturbance will be minimized. The construction contractor will be limited to the delineated construction work areas within the kuleana or driveway areas.
- The contractor will not allow any sediment to leave the site, particularly towards the ocean.
- Unused materials and excess fill will be removed and disposed of at an authorized waste disposal site. The contractor will be encouraged to recycle or donate for reuse excess material, as appropriate.

- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the contractor will be asked to adhere to “Good Housekeeping” for all appropriate substances, with the following instructions:
 - Onsite storage of the minimum practical quantity of hazardous materials necessary to complete the job;
 - Products will be kept in their original containers unless unresealable, and original labels and safety data will be retained;
 - Disposal of surplus will follow manufacturer’s recommendation and adhere to all regulations;
 - Manufacturers’ recommendations for proper use and disposal will be strictly followed;
 - Regular inspection by contractor to ensure proper use and disposal;
 - Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance to minimize leakage;
 - All spills will be cleaned up immediately after discovery, using proper materials that will be properly disposed of;
 - Regardless of size, spills or toxic or hazardous materials will be reported to the appropriate government agency;
 - Should spills occur, the spill prevention plan will be adjusted to include measures to prevent spills from re-occurring and for modified clean-up procedures.

This information has been added to the Final EA. If the National Park Service has additional BMPs that would be practical and useful for the construction, the applicant welcomes receiving them.

3. Ala Kahakai Working with Ungers to preserve cultural and historical resources. The Ungers welcome your offer of cooperation.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

CLARENCE A. MEDEIROS, JR.
86-3672 Gov't Main Road
Captain Cook, Hawaii 96704
328-2074 * 960-0179
CAMedeiros88@gmail.com

RECEIVED
DEPT. OF CONSERVATION
& COASTAL LANDS

2009 SEP -3 A 8: 28

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

September 2, 2009

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

Director
Office of Environmental Quality Control
235 South Beretania St., Suite 702
Honolulu, Hawaii 96813

Hawaii State Dept. of Land & Natural Resources
P O Box 621
Honolulu, Hawaii 96809
ATTN: Tiger Mills

RE: Additional Comments To Draft Environmental Assessment
dated June 2009
Project: Keith & Cynda Unger Single Family Dwelling and
Associated Improvements in the Conservation District
Location: TMK (3rd) 8-6-014:012 and 8-6-011:003
South Kona, Hawaii

Aloha kakou,

I would like to submit additional comments to specific statements/findings contained in the draft environmental assessment for the Keith & Cynda Unger Single Family Dwelling and Associated Improvements in the Conservation District project and will address them in the order that they appear in the assessment report.

Page 3: Figure 2 is the TMK map for 8-6-14 and identifies the subject parcel. To the south of the subject parcel, is a 0.24 acre parcel identified as L. C. Aw. 7185 Apana 1, TMK 8-6-014-009 owned in part by the Umauma Kahale Estate (Exhibit A). Umauma Kahale is also known as Umauma Kahalekai or Oi Umauma Kahalekai, who is my maternal great-great-great grandfather (Exhibit B).

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Tiger Mills, SHPD
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My maternal grandmother, Annie Hua Weeks, told my father and I that our family owned two kuleana in Kalahiki, one mauka and one makai. The kuleana at Kalahiki Beach is identified as L.C. Aw. 7185 Apana 1, TMK 8-6-014-009. The original awardee was Kaluailama and his ownership descended to Umauma Kahalekai, my great-great-great grandfather. The second kuleana was located in Kalahiki mauka identified as L.C. Aw. 9571 F-2. This kuleana was awarded to Kaholoikapu and descended to the Moa 'ohana. My grandmother Annie Hua Weeks lived there because the Moas were her grandparents. The TMK assigned to this kuleana was dropped when McCandless Ranch partitioned a portion of Kalahiki to create a 20 acre parcel. This newly partitioned parcel had boundaries that encroached into the makai portion of this kuleana (Exhibit C). Grandma Weeks also told us that the mauka-makai trail ran along the south side of their kuleana all the way down to the beach. The trail has since been destroyed.

My mother's family possesses an undivided interest in the Umauma Kahale parcel by descendance and I want to protect it from any potential adverse impacts. This is why I am voicing my concerns regarding the proposed dwelling and associated improvements at Kalahiki Beach.

Page 23: The current subject parcel is identified as L.C. Aw. 9746-C:1 to Auae. However, in the EA report, Appendix 3, the Shoreline Survey, identifies the awardee as Anae (Exhibit D). A copy of a deed conveying the subject parcel in 1884, recorded at Book 165 Page 33, identifies the Grantor as Anae (Exhibit E). In the Indices of Awards made by The Board of Commissioners to Quiet Land Titles in the Hawaiian Islands book, the awardee of the subject parcel is listed as Anae (Exhibit F). A valid discrepancy exists as to the name of the original awardee in the EA report which should be corrected to reflect accuracy and consistency.

Page 32, Historic Sites Goals: The report discusses the project's compliance with pertinent sections of the General Plan for the County of Hawaii, one being Historic Sites. One of the historic sites goals is to "Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii." The EA report states that the inventory survey performed for the property has properly documented and mitigated impacts to historic sites. I believe that this goal has not been met.

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Page 3

Attached as Exhibit G is a letter from the County Planning Dept. to the USDA Natural Resources Conservation Service dated July 7, 2009 requesting a copy of the Conservation Management Plan that involves several TMK parcels, including TMK 8-6-011:003, which is one of the parcels being reviewed by the environmental assessment. Per the letter, the request stems from the reporting of bulldozing of historic sites, specifically the *Ala Loa* aka as *Alanui Aupuni* or Government Road, within the SMA on McCandless Ranch property in 2008 without first obtaining an SMA permit. In the Kona Soil and Water Conservation District Cooperative Agreement the Cooperator/Applicant (McCandless Ranch/Properties) agrees to "comply with respective Federal, State and County laws and ordinances in carrying out my program. I assume responsibility to obtain all necessary permits, easements, and right of ways" (Exhibit H). According to the letter, McCandless Properties did not obtain the necessary permits which means that they were not compliant with the terms of the cooperative agreement.

Sometime in June 2008, bulldozing activity was conducted by McCandless Ranch in Kauhako which destroyed a portion of the *Ala Loa* located within the subject parcel, TMK 8-6-011:003. This action is the subject of the bulldozed historic site mentioned in the above-mentioned County Planning letter. On July 21, 2008, Dennis Hart, President of Na Hoa Aloha O Ka Puuhonua O Honaunau, contacted Keith Unger, Manager of McCandless Ranch regarding the destruction of the *Ala Loa*. On July 22, Dennis Hart met with Keith Unger to discuss the land clearing activity. The next day, July 23, Dennis contacted me about his conversation with Clement Chang of Na Ala Hele about the destruction of a portion of the *Ala Loa*. Dennis said that Mr. Chang was going to do an abstract to determine ownership of the *Ala Loa* in that section. He also asked that I contact Mr. Chang and provide him with the registered map number to expedite the abstract process. That same day, I contacted Mr. Chang and provided him with the 1883 registered map number that proves the existence of the *Ala Loa*. With the map, the Highways Act of 1892 could be enforced in this situation. On July 29, 2008, I met with Bob Rechtman, an archaeological consultant contracted by McCandless Ranch, to discuss my response to the EA involving the proposed construction of the Unger residence at Kalahiki. A contingency of concerned kamaaina also spoke with Mr. Rechtman about their concerns regarding the destruction of the *Ala Loa* in Kauhako by his client, McCandless Ranch. The group included Dennis Hart and Roy Santana of Na Hoa Aloha O Ka Puuhonua O Honaunau; Rick Gmirkin, RCUH Archaeologist, Ala Kahakai National Historic Trail; Randy Lovato & Horace Yanagi, County of Hawaii Planning Dept.; Morgan Davis, Asst. Hawaii Archaeologist, SHPD; and several

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members of the Hawaii Preservation Cultural Society. Dennis told me that he also invited Mr. Chang of Na Ala Hele to attend the meeting. Mr. Chang said that he was going to attend the meeting, however, he was a no show. They were escorted by Mr. Rechtman on a site visit to the location of the bulldozed section of the Ala Loa. No subsequent action was taken by the County, Na Ala Hele, nor the SHPD on the destruction of the Ala Loa.

The County, Na Ala Hele and SHPD had prior knowledge that the Ala Loa existed and that portions of it were destroyed. In November 2002, a stop order and a grading violation was issued by the County Dept. of Public Works against McCandless Properties (Exhibit I) involving TMK 8-6-011:003. In December 2002, I reported the destruction of a portion of the Ala Loa in Waiea and Kalahiki to Peter Young, the Hawaii County Deputy Managing Director at the time (Exhibit J). In November and December 2002, SHPD submitted memorandums documenting the bulldozing activity in Kalahiki, TMK 8-6-011 and 8-6-014 and in the neighboring ahupuaa of Waiea that affected possible archaeological and burial sites (Exhibit K).

On July 17, 2003 I informed Clement Chang of Na Ala Hele regarding my concerns about the protection of roads, trails, and accesses located in several ahupuaa in South Kona, specifically the Ala Loa aka The Cart Road (Exhibit L-1).

On March 21, 2007, I met with Clement Chang and Irving Kawashima of Na Ala Hele to discuss the Kiilae-Keanapaakai Trail, a mauka-makai trail located within the Kiilae Farm Subdivision project. We met at the McDonald's on Halekii Street at 8 a.m. and then proceeded to my place in Kanaeue to go over the maps and aerial photos before going out to visit the sites. From Highway 11, I showed them the Kiilae-Keanapaakai mauka-makai trail and the Kauleoli mauka-makai trail located in the Kiilae Farms Subdivision project. Then we stopped at Pukaana Church where I pointed out where our ranch and house was located in Kealia I and the trail that adjoined our property which was located in Kealia II that ran down to Kealia Beach. Then we drove to Hookena Beach and stopped at the pali called Palianihi. I showed them the Ala Loa that was breeched by the Hookena Beach Road which was still intact on both sides of the road at that time. We drove down to the beach and I showed them the Ala Kahakai from Kealia Beach to Kauhako Bay and around the pali to Kalahiki. On the way back up Hookena Beach Road, I showed them the Kalahiki entrance to Kalanipoo Road. Then we headed south to Honokua and I showed them the Honokua entrance to Kalanipoo Road. In Honokua, I pointed out an intact portion of the Kalanipoo Road located on the mauka side of Highway 11. We ended our trip at Kaohe at about 1 p.m. and I mentioned that the Kalanipoo Road and the Ala Loa continued on past Kaohe. Na Ala Hele was agreeable and supportive in my efforts to save the Ala Loa. They suggested

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doing a survey of the Ala Loa, starting the process of determining the ownership of the Ala Loa and scheduling a field trip of the Ala Loa. But my efforts to make this happen were met with unreturned phone calls and unanswered letters – nothing ever came of our meeting. So it was disappointing and puzzling when Na Ala Hele was quoted in a newspaper article dated November 28, 2008 saying that they had no knowledge of anyone developing in the area and that they were not invited to attend the July 28, 2008 meeting and site visit (Exhibit L-2).

The above-mentioned letter by the County Planning Dept. is the only government action that has since been taken to resolve the destruction of a portion of the Ala Loa in TMK 8-6-011:003.

The inventory report does not mention the bulldozed historic sites nor does it provide any mitigation plans that address the impact on the bulldozed historic sites. Also the necessary permits were not obtained as per the agreement. This clearly shows that the Historic goals have not been met.

Page 32, Flood Control and Drainage Goals: Located in Kalahiki mauka, on the south side of the Kalahiki Cemetery, is a flood ditch. This ditch runs all the way down to Kalahiki Beach and is located within TMK 8-6-011-003 and Plat 8-6-014 where the subject parcel and other kuleana are located. This ditch intersects Highway 11 on the south side of the Kalahiki Cemetery and crosses the Hookena Beach Road in two separate locations. One crossing is at the paved portion of Kalanipoo Road where there is a big dip in the road. Kalanipoo Road veers south off the Hookena Beach Road at the big turn and continues on as an unpaved road through Waiea, Honokua and further south. The other crossing is further up Hookena Beach Road and is evidenced by a cemented culvert.

The ditch also intersects the Ala Loa at about the 100-150 ft. elevation where the chasm is as deep as 12 ft. (Exhibits M1, M2, M3). The Kalahiki ditch is known by the kamaaina to have flooded numerous times bringing flood waters down the ditch all the way to the ocean. My grandmother and my father told me of the Kalahiki ditch floodings which was confirmed when I witnessed the flood waters myself. My father worked for the Territory of Hawaii as a road maintenance worker from 1951-1958 so he knew about these floods because he was always there to clean up the mess.

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Attached as Exhibit N is a letter dated Sept. 1897 from T. K. R. Amalu, a relative of mine who was the Chairman of the South Kona Road Board to the Minister of Interior. The letter is requesting assistance to have Kalanipoo Road repaired from the damages incurred from flooding in Kalahiki. This occurred 112 years ago, well within the Zone X, 500-year Floodplain time frame designated for the subject area. If flood waters were to come down the Kalahiki Ditch to the beach, it would directly impact the subject parcel as well as all the other kuleana, including my 'ohana's kuleana identified as 8-6-014-009. A flood mitigation plan needs to be submitted to meet the Flood Control and Drainage Goals to prevent damage to man-made improvements and to prevent damage from inundation.

Page 38: The EA report states in its Findings and Supporting Reasons that the proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources. As per the County Planning Dept. letter, loss and/or destruction of historical sites have already occurred within the boundaries of the subject parcel so this supporting reason is illogical and invalid.

Appendix 1a, Exhibit I, Letter from Clarence a. Medeiros, Jr. to Ron Terry: In my March 2008 early consultation response to the EA, I provided Reg. #985, a map of Kauhako Landing & Vicinity by J. S. Emerson, Surveyor, dated May 1883. It clearly illustrates that the Ala Loa and the Ala Kahakai are two separate and distinct right of ways. So McCandless Ranch and Mr. Rechtman had prior knowledge of the existence and location of the historic sites, specifically the *Ala Loa* aka as *Alanui Aupuni* or Government Road, prior to the bulldozing.

Appendix 2, Page 18: Several native testimonies before the Boundary Commission involving the ahupuaa of Kalahiki were cited as part of the Archaeological Inventory Survey/Cultural Impact Assessment. The testimony of Palea (k) states that Clark (Henry Clark/Clarke) owned land at the top of the pali in Kalahiki and used his property line in describing the ahupuaa boundaries of Kauhako and Kalahiki. Exhibit O is a copy of Royal Patent Grant 1466 dated November 1854 to Henry Clark/Clarke aka Elemakule/Kaelemakule, my great-great-great-grandfather. The grant states that the award "reserves the rights of native tenants" and it also mentions the road, or Ala Loa, in the metes and bounds description, confirming its existence. Exhibit P is a copy of Royal Patent No. 1454 dated November 1854 to Wm. Johnson, which was later conveyed to Henry Clarke in 1856, that "reserves the rights of native tenants" and mentions the road, or Ala Loa, in the metes and bounds description, confirming its existence.

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Henry Clark/Clarke aka Elemakule/Kaelemakule is my great-great-great-grandfather who died intestate. Exhibit Q is a true, correct and complete copy of Probate No. 37, estate of Henry Clarke which never determined his heirs. I claim an undivided ownership interest in his lands, Grant 1466 and Grant 1454, by inheritance and conveyance.

Appendix 2, Page 30: Interviews conducted with Alfred Medeiros Jr. and Louis "Poli" Alani produced statements about goat populations not being seen in Kalahiki until the 1970s. I would like to submit documentation that say otherwise.

Exhibit R is a letter written by Henry Clark/Clarke aka Elemakule/Kaelemakule, my great-great-great-grandfather, to John Young dated March 1852. The letter suggests the viability of keeping goats on the lands at Kauhako, confirming the existence of goats in the area over 150 years ago.

Exhibit S is a copy of Royal Patent No. 7732 to Akahi dated June 1854. It identifies a goat pen and uses it as a reference point in the metes and bounds description, confirming the existence of goats. It also mentions the upper Govt. Road, confirming the existence of the Ala Loa.

Exhibit T is a Map & Survey of Kealia 2nd and Hookena by H. H. Hitchcox dated June 20, 1875. It identifies a goat pen and uses it as a reference point in the metes and bounds description, confirming the existence of goats. It also mentions the upper Govt. Road, confirming the existence of the Ala Loa.

Exhibit U is a copy of Land Patent No. 8128 to R. Keelikolani dated February 1902. It identifies a goat pen which is used as a reference point in the metes and bounds description, confirming the existence of goats. It also mentions the upper Govt. Road, confirming the existence of the Ala Loa.

In Appendix 1a, Comments in Response to Pre-Consultations, contained in the draft EA report my father's affidavit dated November 1998 states that his mother told him that when supply ships were scheduled to dock at Cooper/Kupa Landing men, women and children from Honokua to Kalahiki would drive wild goats into a stone goat pen. They were slaughtered and their skins and meat were dried and sold to the men when the supply ships landed.

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My grandfather and father owned a cattle ranch and coffee farm in Kealia I from the 1940s to the 1970s. I worked on the ranch from the late 1950s till I went into the U. S. Army in 1969. During that time, we saw and hunted goats in all the ahupuaa from Honokua to Kauleoli. The biggest concentration of herds were in Honokua, Waiea, Kalahiki and Kauhako where we would see them by the hundreds. The goats were so plentiful that I remember fishermen shooting the goats from their boats.

All the parties involved were previously aware that the Ala Loa existed and that portions of it had been destroyed. Had McCandless Ranch obtained the necessary permits, and had Na Ala Hele taken action to save the Ala Loa as mentioned at our March 21, 2007 meeting, and had the County of Hawaii taken action when they were first informed about the destruction of the Ala Loa back in 2002, and had SHPD taken action on the report of the destruction of the Ala Loa that they received in 2002 and in June 2008, we would not be where we are at today. The process we are having to take now is at the expense of the taxpayers and at the expense of our cultural and historical sites. However, the County's July 7, 2009 letter has generated some positive action. On August 28, 2009 a contingency that included Dana Okano of the Hawaii County Planning Dept., Irving Kawashima of Na Ala Hele and Rick Gmirkin of the Ala Kahakai National Historic Trail went on an aerial inspection of the alignment of the Ala Loa and Ala Kahakai within the ahupuaa of Kealia I, Kealia II, Hookena, Kauhako, Kalahiki, Waiea, and Honokua to move forward in resolving the situation at hand.

The issue of the destruction of the Ala Loa mentioned in the County Planning Dept. letter which is located within the subject area identified as TMK 8-6-011:003, must be resolved before the proposed construction of the Unger residence in Kalahiki can even be considered. Please include my comments and all supporting documents into your Final Environmental Assessment report.

Sincerely,



Clarence A. Medeiros, Jr.

KANEIwikaikaua
born abt. 1773

Kahalekai Iwikaikaua (1)

Kinimaka (2)

Oi Umauma Kahalekai

Niau Kaaua
born abt. 1844Zen Man Sing
born abt. 1866 ChinaCharles Hua Kalalahua (1)
born abt. 1892

Charles Kapena Weeks (2)

Clarence A. Medeiros, Sr.
born 1/8/1928

Clarence A. Medeiros, Jr.

Steven Torres

Jacob Lopaka Medeiros

WAHINEKeakamahana
born abt. 1775Pae - of Kalahiki, Waiea
& Tahiti born abt. 1797Pae - of Kalahiki, Waiea
& Tahiti born abt. 1797Kawahineailaau Ipaapuka
born abt. 1809

Kaaua Oi Umauma

Kaaumoana Moa Niau

Annie Man Sing Zen

Annie Man Sing Zen

Pansy Wiwoole Hua

Nellie J. Pulido

Kareen Kaaumoana Medeiros

Laressa Grace

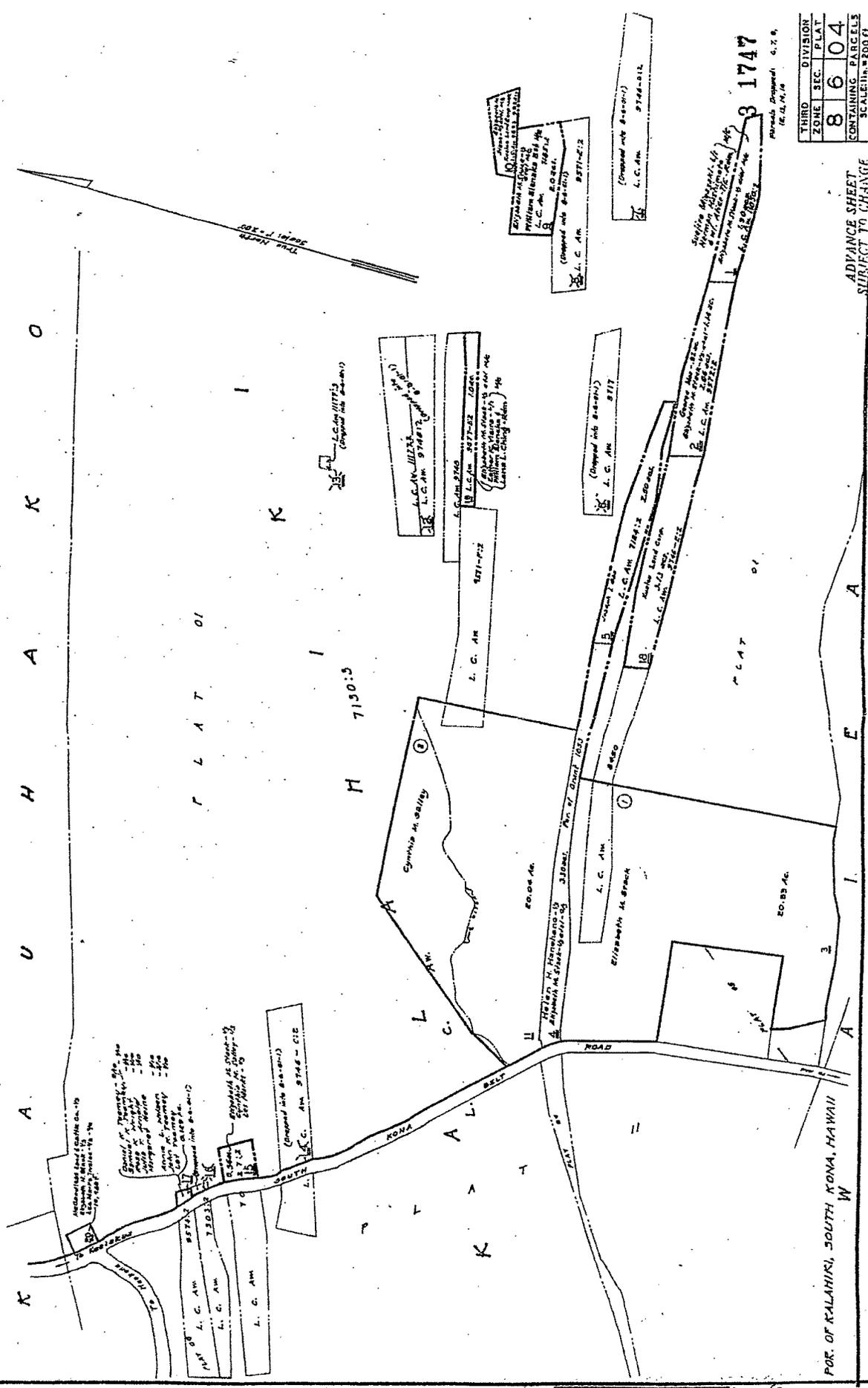
KEIKIKahalekai Iwikaikaua
born about 1795Oi Umauma Kahalekai
born abt. 1818

3 issues

Kaaua Oi Umauma
born abt. 1849Kaaumoana Moa Niau
born abt. 1878Annie Man Sing Zen
born abt. 1889 Waiea, S. KonaPansy Wiwoole Hua
born 2/24/1930Clarence A. Medeiros, Jr.
born 2/11/1952Kareen Kaaumoana Medeiros
Jacob Lopaka MedeirosLincoln Kawehe Medeiros
Yvette Kuulei Isabella MedeirosJayssa Grace
Jaimison Kapaakea Medeiros
Jayla Analea Medeiros
Jaimin Naea Keaweaeulu Medeiros

 Researched & Compiled by Clarence A. Medeiros, Jr.

 SOURCES OF INFORMATION: The Church of Jesus Christ of Latter Day Saints-Family History Center, Hawaii State Archives,
 Hawaii State Dept. of Health-Vital Records, St. Benedict's Catholic Church, Kupuna/Kamaaina Testimony



3 1747

Parcels Proposed 4, 7, 9, 16, 17, 18, 19

| THIRD DIVISION | ZONE | SEC. | PLAT |
|----------------|------|------|------|
| 8 | 6 | 04 | |

CONTAINING PARCELS
SCALE 1/4" = 200' FT

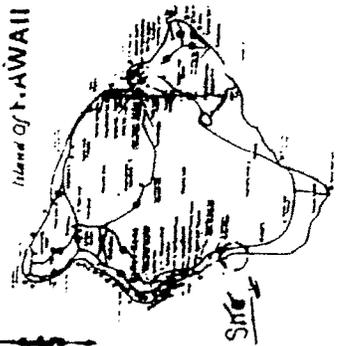
ADVANCE SHEET
SUBJECT TO CHANGE

POR. OF KALAHUKI, SOUTH KONA, HAWAII

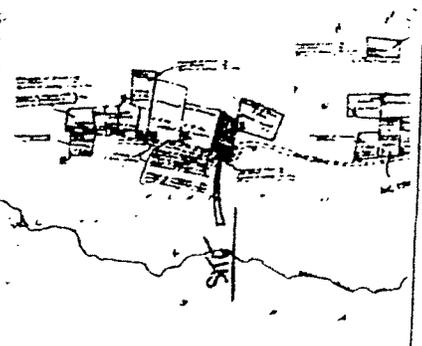
SURVEY OFFICE COPY

NOTE:

TBM @ NW corner of RP 3676, LCAW 9746-C Apana 1 to Anae is referred to USCGS Station "HOOKENA" having an elevation of 5.00 above MSL



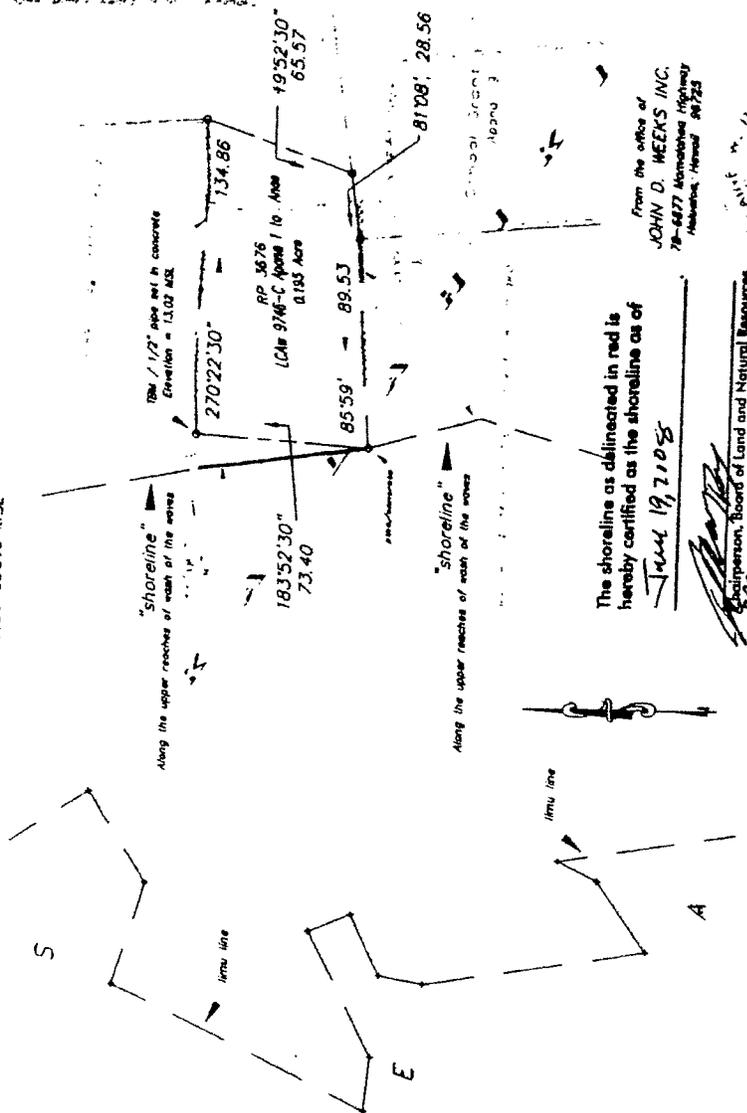
VICINITY MAP



GENERAL LOCATION

NOTE:

McCandless Land and Cattle Company - Owner
 PO Box 500
 Hanalei, Hawaii 96726
 Phone: 328 9313



Indices of Awards
Made by
The Board of Commissioners
To Quiet Land Titles
In The
Hawaiian Islands

Compiled and Published
by the
Office of the Commissioner of Public Lands
of the
Territory of Hawaii

Territorial Office Building
Honolulu, T. H.

Star-Bulletin Press
1929

EXHIBIT

F

KONA, HAWAII

| Location | Awardee | L. C. A. | Book | Page | R. P. | Book | Page | Area | No. P. |
|-------------------|-------------------|----------|------|-------|--------|------|------|------------|--------|
| Kahului 2 | Kuapuu | 7336 | 5 | 700 | 3740 | 16 | 239 | 1.35 Acs | |
| Kahului 2 | Kulou | 7690 | 8 | 651 | *** | *** | *** | 1.75 Acs | |
| Kahului 2 | Nenila | 10373 | 4 | 555 | 8060 | 34 | 413 | 0.77 Ac | |
| Kailua | * A.B.C.F.M. | 387 | 3 | 148 | {1930 | {8 | {3 | 402.04 Acs | |
| | | | | | {1600 | {6 | {1 | | |
| Kailua | Leleiohoku, W. P. | 9971 | 3 | 283-4 | 6693-4 | 24 | 759 | 1.87 Acs | |
| Kailua (Pa-o-Umi) | Rice, Samuel | 3202 | 3 | 25 | 1956 | 8 | 103 | 0.17 Ac | |
| Kalahiki | Alapaē | 9746-E | 3 | 567 | 5237 | 21 | 129 | 3.25 Acs | |
| Kalahiki | Anae | 9746-C | 3 | 557 | 3676 | 16 | 111 | 3.70 Acs | |
| Kalahiki | Apela | 9893 | 3 | 560 | 4816 | 19 | 505 | 0.95 Ac | |
| Kalahiki | Elehiwa | 9717 | 3 | 564 | 7036 | 26 | 489 | 2.15 Acs | |
| Kalahiki | Hoopuhalu | 9716 | 3 | 564 | *** | *** | *** | 0.17 Ac | |
| Kalahiki | Kahoukua | 9575 | 3 | 561 | 6467 | 24 | 305 | 0.40 Ac | |
| Kalahiki | Kaholoikapu | 9571-F | 3 | 566 | 2637 | 12 | 145 | 3.63 Acs | |
| Kalahiki | Kalno | 8450 | 3 | 562 | 6551 | 24 | 473 | 2.30 Acs | |
| Kalahiki | Kaluailama | 7185 | 3 | 569 | 4812 | 19 | 497 | 2.20 Acs | |
| Kalahiki | Kamailohi | 7184 | 3 | 562 | 5277 | 21 | 209 | 2.70 Acs | |
| Kalahiki | Kanakaole | 7028 | 3 | 561 | 5232 | 21 | 119 | 3.30 Acs | |
| Kalahiki | Kanini | 9572 | 3 | 559 | 4953 | 20 | 129 | 3.00 Acs | |
| Kalahiki | Kaoliikalani | 9748 | 3 | 568 | 5140 | 20 | 507 | 1.75 Acs | |
| Kalahiki | Kapaka | 9571-E | 3 | 570 | 5227 | 21 | 109 | 2.61 Acs | |
| Kalahiki | Kapipaka | 7027 | 3 | 558 | 2958 | 13 | 399 | 2.85 Acs | |
| Kalahiki | Kawaha | 7303 | 3 | 556 | 3203 | 14 | 199 | 1.33 Acs | |
| Kalahiki | Kinimaka | M. A. 59 | 3 | 336 | 8294 | 35 | 803 | 2.660 Acs | |
| Kalahiki | Kuoha | 11177 | 3 | 592 | 5169 | 20 | 565 | 2.78 Acs | |
| Kalahiki | Mikahaka | 11049 | 7 | 373 | 5241 | 21 | 137 | 0.28 Ac | |
| Kalahiki | Namaka | 9574 | 3 | 570 | 5513 | 21 | 681 | 2.08 Acs | |
| Kalahiki | Oopa | 9746-D | 3 | 556 | 5245 | 21 | 145 | 1.94 Acs | |
| Kalahiki | Pakui | 9746 | 3 | 565 | 5248 | 21 | 151 | 2.80 Acs | |

* American Board of Commissioners for Foreign Missions.

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
Phone (808) 961-8288 • Fax (808) 961-8742

July 7, 2009

Mr. Keith Harada
USDA Natural Resources Conservation Service (NRCS)
Pacific Islands Area State Office
P.O. Box 50004
Honolulu, Hawaii 96850-0050

Dear Mr. Harada:

Subject: Freedom of Information Act Request
Landowner: McCandles Ranch
TMK: (3) 8-6-007:003 & 008, 8-6-008:002, 8-6-011:003 & 005, S. Kona, Hawai'i

We are requesting a copy of the Conservation Management Plan created by NRCS for McCandles Ranch on the island of Hawai'i for the subject TMK numbers. The County of Hawai'i is the permitting authority for all activity in the Special Management Area (SMA) for the County of Hawai'i. It has recently been brought to our attention that there was bulldozing of historic sites conducted within the SMA on McCandles Ranch property in 2008 without first obtaining an SMA permit. The landowner has claimed that the work was permitted under the NRCS Conservation Management Plan. Thus, we are requesting a copy of the document so that we may ascertain what permissions were issued under this plan, and under what jurisdictional authorities.

We also understand that one of your retired staff members was an archaeologist who worked on this plan. Her name is Carol Kawachi and we request that you provide us her contact information so that we may follow up with her on the events that occurred on this site. Attempts were made to acquire the information from other NRCS field staff; however, they were unfamiliar with the specifics and recommended we contact Ms. Kawachi directly.

08/20/2009 11:07 AM LETTER PAGE 02

Mr. Keith Harada
USDA Natural Resources Conservation Service (NRCS)
Pacific Islands Area State Office
Page 2
July 7, 2009

Should you have any questions, please feel free to contact Dana Okano at 961-8134.

Sincerely,



BJ LEITHEAD TODD
Planning Director

DO:cs

P:\Wpwin60\CZM\Letters\2009\NRCS FOIA 8-6-11-3.Doc

xc: Long Range Planning
Planning Department, Kona Office

Kona Soil and Water Conservation District Cooperative Agreement

81-948 Waena'Oihana Loop #101 - Kealahou, HI 96750 - (808) 322-2484 - FAX (808) 322-3735

The mission of the Kona Soil and Water Conservation District is to encourage:

- the prevention of soil erosion,
- the conservation of water resources; and
- the prevention of floods.

Through education and working with federal, state and county agencies, the district shall cooperate with and assist managers of public lands, ranches and farms in North and South Kona Districts; in addition the KSWCD shall promote and encourage research, and dissemination of information to achieve the above.

Name of Cooperator: _____

Address: _____ Phone: _____

Name of Land Owner: _____

Address: _____ Phone: _____

(SWCD will notify landowner by letter about this agreement.)

| Legal Description: | Zone | Section | Plat | Parcel | Acres |
|--------------------|-------|---------|-------|--------|-------|
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |

Land Use at Present: _____

Planned: _____

I understand the purpose of the Kona Soil and Water Conservation District, its objectives, and programs. I intend to use this land within its capabilities and treat it according to its needs. I enter into the following agreement with the District.

- I agree:
1. To develop and implement a basic conservation program for my parcel(s) as needed.
 2. To install the planned practices according to a natural Resources Conservation Service (NRCS) approved design and to NRCS practice standards and specifications, and maintain all structures and other conservation measures in good working condition.
 3. To comply with respective Federal, State and County laws and ordinances in carrying out my program. I assume responsibility to obtain all necessary permits easements, and right of ways. (See attached County Grading ordinance.)
 4. To inform the District and anyone furnishing technical assistance to the District, as well as equipment operators, of the location any buried pipe lines, electrical or communication cables.

5. To notify the District or NRCS at (808) 322-2484 a minimum of 6 months before the installation of a practice to allow sufficient time to provide me a practice design.

The District Agrees:

1. To advise where to obtain available technical assistance to help prepare a conservation program for my parcel(s).

It is mutually agreed:

1. That neither the District nor I will be liable for damage on the other's property while the conservation measures are being applied, unless damage is caused by misconduct.
2. That if I lose control of the land, neither I nor the new operator is under any obligation to carry out this agreement.
3. That this agreement shall start when signed by the District and continue unless cancelled in writing by me or the District.
4. My file will be subject to the Freedom of Information Act.

If the applicant is a business, the signer should be a person who represents the business.

Cooperator

Date

Print name and Title of Signer when a representative of a business

Date

Name of Business if Applicable

District Chairman Kona Soil and Water Conservation District

Date

Harry Kim
Mayor



Dennis K. W. Let
Director

Dixie Kaetsu
Managing Director

County of Hawaii
DEPARTMENT OF PUBLIC WORKS
101 Pauahi Street, Suite 7 · Hilo, Hawaii 96720-4224
(808) 961-8321 · Fax (808) 961-8630

Ronald Ueoka
Deputy Director

November 27, 2002

Certified Mail

Mc Candless Properties
P.O. Box 497
Honolulu, Hi. 96809

SUBJECT: GRADING VIOLATION
Location: Kalahiki - Waiea, South, Kona
TMK: 3 / 8 - 06 - 08 : 02 and 3 / 8 - 06 - 11 : 03

Our attention has been called to the grading work recently performed on the subject property. A search of our records shows that neither a grading nor grubbing permit was issued for this work.

You are directed to cease any further work on the subject property until this matter is resolved. You may resolve this violation by submitting a completed copy of the enclosed grading permit application form within thirty (30) days of the above date. Three (3) sets of grading plans prepared by an engineer or land surveyor will accompany the application as required by Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

For further instructions or clarifications concerning this matter, you may contact Mr. Richard Omija in our Engineering Division at (808)327-3530

GALEN M. KUBA, Division Chief
Engineering Division

KE : ro

enclosure

EXHIBIT

I

Kind - TAA 11/25/02
Called Richard's cell 11/25/02 - will follow-up

8-6-8:2



Department of Public Works
ENGINEERING DIVISION

| |
|---|
| Tmk: 8-6-11:3 |
| <input type="checkbox"/> Drainage <input type="checkbox"/> Road <input checked="" type="checkbox"/> Grading |
| <input type="checkbox"/> Other _____ |
| Location _____ |

INVESTIGATION AND REPORT FORM

Complainant: Brad Pai / Kathleen Alani By: hr Date: 11/25/02
 Address: George T. Kinimaka Bus: 329-3649
 Res: 640-2233
 -2232

Complaint/Problem: Grubbing without a permit. family
grubs on the site

Investigation/Remarks (attach additional sheets, sketches, photos, etc. as necessary):
 GRADING WITHOUT PERMIT. VIOLATION OF
 CHAPTER 10 OF THE HAWAII COUNTY CODE.
 NOTIFIED VERNON HINDSEY, OWNER OF KAI-MALINO RANCHA
 OF VIOLATION ON NOVEMBER 26, 2002.
 - CALLED KATHLEEN ALANI AND BRAD PAI ON
 NOVEMBER 26, 2002.

Recommendation: OBTAIN GRADING PERMIT.

Action(s) taken (indicate date and what was done; attach copies of supporting documentation):
 11/25/02 Initial Investigation. _____
 1/1/02 _____
 1/1/02 _____
 11/26/02 Response to Complainant
 1/1/02 Investigation Completed

Investigator/Engineer: Richard Onizja Date: 11/27/02

DATE: December 12, 2002
TO: Peter Young
Hawaii County Deputy Managing Director
FROM: Clarence A. Medeiros, Jr.
SUBJECT: Aerial Photos of Waiea, South Kona, Hawai'i

Attached please find some "before and after" pictures of Waiea makai that clearly show the massive and destructive land-clearing activities that have taken place.

Further land-clearing must be stopped until the issues of land title, grading plans and permits, and the protection and preservation of cultural, historic and burial sites in Kalahiki and Waiea are addressed.

cc: Ruby McDonald, Office of Hawaiian Affairs
Chris Yuen, County Planning Dept.
Charles Nahale, DLNR-Enforcement
Hawaii State Historic Preservation Division

Received by: _____ Date: _____

EXHIBIT

J

November 12, 2002

MEMORANDUM

To: Kai Markell, Burial Sites Program
State Historic Preservation Division

DOC NO: 0211KL02

From: Keola Lindsey, Burial Sites Program
State Historic Preservation Division-Hawai'i Island

Re: Site visit to Kalahiki, South Kona
TMK (3)8-6-11 and (3)8-6-14

November 4, 2002 I met with Kathleen Pai (Alani), her husband Brad, and George Kinimaka regarding some concerns they had regarding the Kalahiki area. Bulldozing activity may have impacted possible burial sites. Preservation and protection of sites from future development activities was discussed. I explained the process of registering burial sites. K. Pai stated that her father, Lewis Poli Alani, a lifetime resident of Kauhako/Kalahiki would be able to give more detailed information regarding possible burial sites. I was unable to find any documentation on the subject property in our Kona office files.

Because possible burial sites might be in imminent danger, and because an informant was willing to share information, I decided a site visit should be conducted as soon as possible.

I telephoned McCandless Ranch (landowner) and spoke with Mr. Keith Unger (Ph # 328-8246). K. Unger stated that McCandless Ranch was actively working with DLNR- Land Division regarding conservation district use violations in Kalahiki. Bulldozing had taken place a few months ago (July?) on an old ranch road, but had ceased. K. Unger did not know anything about burial sites being destroyed or damaged. The only active bulldozing K. Unger knew about in the area was on a neighboring property in Waiea. McCandless Ranch has been consulting with a contract archaeologist about possibly conducting an inventory survey to determine what burial/archaeological sites are present. I informed K. Unger of the pending site visit with informants that might have knowledge of burial sites on the subject property.

November 6, 2002 met Lewis Poli Alani (informant), Kathleen and Brad Pai, and George Kinimaka on Old Government Road above Kalahiki Village. Jeanne Knapp (SHPD- Assistant Archaeologist) was also present. The following is a summary of burial and possible burial sites that I observed during our time in the area, any information that L. Alani provided is also noted.

Site #1- Cave burial (multiple individuals)

Located in cliffs near ocean north of old Kalahiki Village. L. Alani stated that this cave contained numerous human remains that were "just piled in there". Since the last time he

EXHIBIT

K

had been to this site, the rock out-cropping above the cave has collapsed. Tons have rock have fallen from the cliffs above. Human remains could still be seen in what remained of the cave. Area is very unstable. Although further investigations may be warranted, persons will be in extreme danger.

Site #2- Platform (possible burial) approximately 3x2m 1m high.
Good condition. Ranch road located about 1m east of site. Appears as though unknown persons have dug two shallow pits into the feature.

Site #3- Platform (possible burial) approximately 3x3m 1m high
Good condition. Northwest of site (30m) there are five smaller platforms all in good condition. Two platforms in poor condition were observed 3m and 5m to the southeast. A large enclosure (possible house site?) is located immediately south of the site.

Site #4- Possible burial- Old Kalahiki Village
Site is possibly on border between TMK (3)8-6-14:7 and parcel 8. Landowners listed in TMK book I have as Thomas G. Rietow (parcel 7) and Charles K. Hosea Estate (parcel 8). There may be archaeological information on the Rietow property in our Hilo office. L. Alani pointed out an area that he remembers being a possible gravesite. Observed what might be part of a rock alignment that at one time might have delineated a possible gravesite.

Site #5 – Possible Burials- Old Kalahiki Village
TMK is (3)8-6-14:6, landowner listed as Marmionette L. Kaowili. L. Alani remembers coming to this specific area as a child. He remembers lots of low rockwalls, that delineated individual gravesites. No one ever told him these were gravesites, but he just knew they were, and respected the area. L. Alani recalled that in the 1950's, heavy rains caused floods that came from mauka all the way to the shoreline. The water collected in this area, and filled it with dirt. The area is now overgrown with shrubs and grass, and during our site visit, we could not find any evidence of gravesites on the surface.

Site #6- Possible Burial Crypt
Site is located approximately 35m east of TMK (3)8-6-14:7. L. Alani remembers walking the trail to the ocean as a child, and seeing this site. He always assumed it was a gravesite of one of the families from the area. L. Alani stated that the feature had cement walls and a curved roof, and it always caught his eye as he walked by it. Portions of a low rock wall still visible around the feature. The feature is currently in poor condition. Only part of north wall is still intact, and there are numerous pieces of the structure scattered throughout the area. At one time feature might have measured approximately 3x2m 1.5m high. The interior of what is left of the structure is filled with rubble. I did observe what looked like pieces of milled wood mixed in with the rubble. I could not determine the relationship between the wood pieces and the site feature

During our site visit, we walked along the Kalahiki/Waiea border, and observed a large bulldozer (D-9?) actively grading what appears to be a house pad in Waiea. A larger area (5 acres plus) has already been grubbed. Information provided to me indicates the

landowners are Vernon and Noenoe Lindsey. I have not been able to determine if a permit is necessary for the work taking place.

November 7, 2002 I spoke with Keith Unger (McCandless Ranch) about our site visit the previous day. Informed him of the cave burial. K. Unger indicated that McCandless will be hiring a contract archaeologist soon to conduct an inventory survey of their lands in the area. I spoke with him about the additional sites that are considered possible burials.

November 12, 2002 I spoke with Debbie Chang (County Planning Department) regarding the bulldozing in Waiea. D. Chang recalled Vernon Lindsey coming into the Planning Office to inquire how to get a grubbing/grading permit. There is no record in SHPD-Kona or at County Planning of a grubbing/grading permit being issued to V. Lindsey. Land V. Lindsey is actively working on is Agriculture zoned.

Attachments: TMK maps (2)

Cc: Charles Nahale (DOCARE)
Ruby McDonald (OHA)
Charles Young (HIBC – S.Kona)
Brad and Kathleen Pai (Pai/Alani Ohana)

December 2, 2002

MEMORANDUM

TO: Pat McCoy, Hawaii Island Archaeologist
State Historic Preservation Division

FROM: MaryAnne B. Maigret, Asst. Archaeologist DOC NO: 0212mm01
SHPD Hawaii Island

SUBJECT: 6E-11. Identification of disturbed human skeletal remains (3)-8-6-8:2
(por) Ahupuaa of Waiea, District of South Kona, Hawaii Island

On Friday, November 29 I conducted a site visit to the subject property to determine if human skeletal remains were present at a recently bulldozed and excavated location. The person responsible for this property is Mr. Vernon Lindsey I was accompanied by Keola Lindsay, and Richard Onija (Hawaii County). We met briefly with Mr. Keith Unger before entering the property. Also present were Kathleen Pai, Louis Alani, and Brad Pai. We began our site visit at 8:00 a.m.

The total area that has been disturbed by recent bulldozing is 225 meters N-S by 50 meters E-W, or *mauka-makai*. Total acreage is roughly 3 acres. The seaward portion is grubbed only (see attached map), while portions of the mauka area adjacent to a cliff, or *pali* have been more extensively graded or excavated. I systematically walked across the grubbed area. No midden scatters or artifacts were noted. Damage was extensive to the ground surface. No archaeological features were noted.

Keola accompanied the Pai/Alani family members to a 19m x 18 meter excavated sink, resembling a casserole dish, situated in the northeast portion of the disturbed area, directly adjacent to the pali which is roughly 50 feet high and vertical. While I made the sketch map, Keola assessed the situation in the sink area.

I joined the group a short time later. The floor of the excavated sink consists of both scraped, crushed solid basalt rock and areas where deeper soil deposits are present. The soil area is adjacent to the pali, while the rockier area is in the more western, makai segment. Four small stone platforms have been constructed in the soil area by the Pai/Alani family. They explained that the platforms were built over concentrations of human bones.

A total of 28 bone fragments and 2 human teeth were located in the soil area. Due to the highly disturbed soil deposit, it was not possible to determine immediately where the fragments had originated. In the initial identification of fragments that were present in the loose, disturbed soil, I identified a thoracic vertebra, clavicle, mandible (partial, left side only) with two intact worn teeth, sternum, and several rib fragments. Two human molars

were also present, unattached to any skull or mandible fragments. I could not identify all the fragments with certainty.

We whisked-broomed an approximately 1 meter square area where the most fragments in loose soil had been located. Once we removed approximately 10 centimeters of loose, extremely powdery soil, we came down on a slightly more compact soil deposit with red, black and gray staining suggestive of soil in a pit feature. An *in situ* scapula was located, as well as several rib fragments that were firmly in place in the soil. Soil deposition on the scapula was compact. I could not tell if the remains were flexed or extended. The proximity of rib fragments to the scapula suggests an articulated skeleton but the degree of disturbance is so extensive that I cannot yet be sure.

All surface archaeological features, if there were any, have been destroyed. No archaeological context is intact except for what I feel may be a soil pit in which the remains were placed. Approximately 2.5 meters to the north of these *in situ* remains, there is another roughly 2 x 2 meter area where the soil color is distinctly different than the surrounding area. Were further exploration deemed necessary, I would check this area.

The remains are likely Hawaiian and older than fifty years. A determination of number of individuals is not possible at this point because numerous fragments have reportedly been interred into the four small platforms by the Pai/Alani family and an examination of these interred remains was strongly objected to by the Pai/Alani family.

The *in situ* remains were covered with small cobbles. The fragments that had been gathered from the loose soil were placed in a ring of cobbles and covered with stones.

We left the site at approximately 12 noon.

c. Mr. Kai Markell, Burials Program

July 17, 2003

Mr. Clement Ching
Dept. of Land & Natural Resources
19 East Kawili St.
Hilo, Hawaii 96720

RE: The Mauka /Makai access, Kalanipo'o Road, the Cart Road, and the Ala Kabakai located in the ahupua'a of Ho'okena, Kalahiki, Waiea, and Honokua in South Kona, Hawai'i Island

Aloha Clement,

Per our telephone conversation, enclosed please find documentation to give you some history on the concerns that I have involving the above-mentioned roads, trails, and accesses located in several ahupua'a in South Kona.

If you have any questions please feel free to call me at 328-2074 or 960-0179. Hopefully, it will bring you up to date on the chain of events that have led up to our scheduled meeting.

Mahalo for your attention in this matter and I look forward to meeting with you on the 29th.

A hui hou,


Clarence A. Medeiros, Jr.

Enc.

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|---|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Leanda M. Bernake</i></p> |
| <p>1. Article Addressed to:</p> <p>Clement Ching DLNR - Nā Ala Hele 19 East Kawili St. Hilo, HI. 96720</p> | <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p><i>Leanda M. Bernake</i></p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>7-18-</i></p> |
| <p>2. Article Number</p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |

EXHIBIT

L1

7001 1940 0006 2311 8230

28 FRIDAY

FRIDAY, NOVEMBER 28, 2008

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West Hawaii Today

50¢

three key military sub-committees, said U.S. Rep. Neil Abercrombie, D-Hawaii.

"If anything, because we're in the position we're in, we have to reach out more," said Abercrombie, chairman of the House Air and Land Forces Subcommittee. "Of course we're going to pay attention to Hawaii and the Pacific, but I can assure you it's all in the context of advancing

▶ SEE HAWAII PAGE 5A

6A Sports1B

Historic trail's ownership, maintenance issues stymie progress

BY BOBBY COMMAND
WEST HAWAII TODAY
bcommand@westhawaiitoday.com

A Native Hawaiian man is asking the state trails program to perform a map abstract on a section of trail between Kilauea and Honokaa in South Kona.

But the state agency

involved in producing such abstracts says it is overwhelmed with work and the sole map abstractor in Honolulu is working full time on trails that are in imminent danger of being obliterated by development.

Clarence Medeiros Jr., who was born and raised in the area, said little is being done

by government to protect the Ala Loa, a remarkably straight trail that exists mauka of the more well-known Ala Kahakai, which follows the shoreline.

Medeiros, who has met with property owners in the area as well as another group keeping the Ala Kahakai open, is asking the state to search its

▶ SEE TRAIL PAGE 10A

Annie's Mailbox 5B Classified 1D Comics 6B Movies 3C Obituaries 2A Opinion 6A Sports 1B



HI 83 70 ▶ WEATHER, PAGE 2A

VOL. 40, NO. 333 58 PAGES



L-2

Trail, if state has lost rights to trail, it could be protected by State Historic Preservation Commission

CONTINUED FROM PAGE 1A

along the Kohala Coast and that are in jeopardy, so the others have low priority."

Kawashima also said Medeiros has the option to hire his own abstractor. "You need training to do this," he said. "It is a specialized job."

Curt A. Cottrell, statewide program manager for Na Ala Hele, said there is another problem: If a trail is determined to be public and it survives legal challenges by the owner of the land surrounding the trail, it becomes the responsibility of the state to keep it clear and avoid any liability. "We can produce the abstract data pretty quickly, but we're not able to expand staffing and funding," he said. "Once it's ours, we become the stewards."

There are groups in Hookona that might be willing to help the state with those obligations. Medeiros said the Kupa group from Hookona may be willing to help with those responsibilities.

Irv Kawashima, Trails and Access Specialist for the Big Island, said the map abstractor in Honolulu, Moana Rowland, is overwhelmed with work, most of it dealing with areas developed.

"We have not heard of anyone developing this area," said Kawashima, who said he is not familiar with the Hookona area. "We're so overloaded with the ones

Already, maintenance of the Ala Kahakai in the area has been assumed by a group led by Dennis Hart, a descendant of the Kekuewa family from the area. The group has cleared trails from as far south as Opihiale and as far north as Honouliuli.

"We have about 15 people doing this, but we have found that once we got to one end, we had to go back because the vegetation was already growing back," said Hart.

Cottrell said it is the responsibility of the Big Island branch of Na Ala Hele to visit the site and determine its significance.

If it is deemed worthy, the specialists from the Big Island will ask Rowland to do the abstract.

While Medeiros said that's where Na Ala Hele is dragging its feet, Cottrell said even if it is on a map, there may have been some action that caused the government to relinquish its interest in the trail.

If the state has lost its rights to the property, the trail could still be protected as a historic site by State Historic Preservation. While the public would not be able to use it, the trail could still be available for cultural practices.

Medeiros said he has spoken to trails and access specialist Clement Chang, but Chang said he was not invited to a site inspection of the area. Instead, the State Historic Preservation office attended. Chang referred any comment to Historic Preservation. "That office was not available for comment.

Cottrell also said Na Ala Hele has tried to have developers foot the bill for the abstracts on their land. However, he said an opinion has been issued that it is the state's responsibility, since it is making the claim that it owns the trail.

Medeiros said McCandless Ranch, one of the major area landowners, has expressed interest in preservation of the trail, but is concerned about people straying off the trail and onto private property.

A call to McCandless Ranch was not returned. West Hawaii Today. Hart said they have been successful in asking nearby residents and users of the trail to be the eyes and ears of the state and prevent looting burial sites.

"It's difficult for some of the landowners," Hart said. "They don't want to open their property, but the trail is public."

Hart said there are a number of people and groups who are willing to talk about preservation, but recognition of the trail is public is necessary for further action.

"We all know that we can't do this alone, but if we join our manpower together then we can work our plan to maintain and manage our heritage," Hart said.

For more information, contact Dennis Hart at 937-6039.

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EXHIBIT **M1**



Excavation M2



EXHIBIT

M3



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawaii, do hereby certify that the attached document is a true and correct copy of the letter from T. K. R. Amalu to J.A. King, dated September 15, 1897, in the file: Interior Department, Subject, Roads, Hawaii, 1897, June-September 1897, Department of the Interior, of the Republic of Hawaii

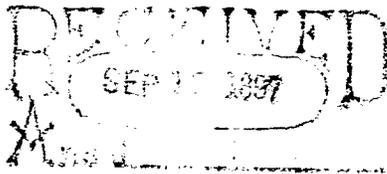
on file in the STATE ARCHIVES, at Honolulu, State of Hawaii.

Witness my hand and seal this 23rd day of June, 2003 at Honolulu, State of Hawaii.

Susan Shaner

SUSAN SHANER, STATE ARCHIVIST

GENERAL
Commission Merchant.



By

Hookena, S. Kona, H. I. Sept. 15 1897

J. A. King
Minister of Interior

Dear Sir:-

One day, last month, we had a heavy shower here which washed away the dressing a part of Kalamifoo Road at Kalahia South Kona, about $\frac{3}{4}$ of a mile, and is now in bad conditions that loaded wagon could hardly be passed through, nor brake or any light vehicle be possibly run through.

Being left so unhandled long enough, it makes me the feeling of informing you in the matter, hoping, with your inquiry, the Road Board will bring in their consideration to attend the matter.

I feel the difficulty of it, because, I am the only one here that have haulings almost every day, and I would like to have it mended.

Hoping that the matter will be brought into consideration, I remain sir,

Respectfully yours
H. H. R. Amalu

No. 1466.
ROYAL PATENT.

Kamehameha III., By the grace of God, King of the Hawaiian Islands, by this his Royal Patent, makes known unto all men, that he has for himself and his successors in office, this day granted and given, absolutely, in Fee Simple unto

Henry Clarke

for the consideration of

Forty-nine dollars

paid into the Royal Exchequer, all that certain piece of land, situated at Kona, Hawaii, and described as follows:

Beginning at a heap of stones about the pali, adjoining land called Maluhiki, and the South corner of this land, and running N. 39° E. 11.13 chains to heap of stones about the road; thence along the ancient boundary of Kaiahihi, N. 60° E. 9.30 chains: N. 40 1/2° E. 17.25 chains, and N. 67 1/4° E. 6.34 chains to a heap of stones at the Eastern corner of this land; N. 24 1/2° W. 13.37 chains along Govt. land to N. corner: - thence S. 70° W. 16.70 chains: S. 69 1/4° W. 5.60 chains; and S. 60° W. 12.60 chains along Govt. land to road; thence S. 52° W. 3.16 chains to the pali, being the S.W. corner of this land: - thence S. 42 1/2° E. 9.65 chains, and S. 11° W. 3.90 chains along the pali above the sea to the point of commencement.

Reserving the rights of native tenants.

100

a maloko o ia Apuna
Eia he kumu o ka ilo ana; ua heawi mai eia iloko o ka waihona waiwai o ke Aupuni i na *140*
he aha kaha (\$ 20.-)
Aka, ua hoo i ke Aupuni ua mine minerala a me ua mine metala a pau.

No *Pelupelu*
ua aia ia i haawina, no *na* mau lon aku no, ma ke ano alodio a no ke *na* mau hoelina, a me ke
na waihona, ua pili nae ka auhau a ka Poo Absolelo a kau like ai me ua *na* alodio a pau i ke
manawa i keia manawa.

A i nene e ilua'i, ua kuu wau i ko'u inoa, a me ka Sila Nui o ke Hawaii Kaa Aina, ma
Ho. oluku, i keia la *1* o *Novembara*, 18 *84*.

Wm. H. King
Keoni

NO. 1434.

ROYAL PATENT.

KAMEHAMEHA III., By the grace of God, King of the Hawaiian Islands, by this His Royal Patent, makes known unto all men, that he has for himself and his successors in office, this day granted and given, absolutely, in Fee Simple unto William Johnson his faithful and loyally disposed subject for the consideration of one hundred and eighteen dollars \$118.00 paid into the Royal Exchequer, all that piece of Land situated at Kona in the Island of Hawaii, and described as follows:

Beginning at a heap of stones above the pali, being the South corner of the same and the West corner of H. Clarke's land and running along the top of pali N. 46 1/2° W. 11.84 chains to West corner: thence N. 51 1/4° E. 5.80 chains passing inside the graves to heap of stones above the road on the boundary of Hookena: thence along said boundary, N. 54 1/2° E. 6.00 chains: - N. 54 1/2° E. 10.78 chains: N. 56° E. 16.10 chains: - N. 58° E. 26.20 chains: N. 58 1/2° E. 18.10 ch. - N. 55 1/2° E. 7.68 chains: N. 57° E. 3.25 chains to Kukui tree marked + at N. corner: thence S. 38 1/2° E. 36.40 ch. along Govt. land to East corner, a heap of stones near a large Kukui tree marked X X. thence S. 60° W. 22.25 chains to corner of an enclosure; S. 63 1/2° W. 33.00 chains to East corner of Clarke's land: N. 24 1/2° W. 13.50 chains to N. corner of Clarke's land; thence along the said land, S. 70° W. 16.40 chains; S. 69 1/2° W. 5.60 chs. S. 60° W. 12.60 chains (to road) and E. 52° W. 3.20 chains to point of commencement. -

Reserving the rights of native tenants.

a maloko o ka Aupuni
 Eia ke kumu o ka lilo ana; ua haawi mai oia lilo o ka waihona waiwai o ke Aupuni i na *uaka*
na 96.00
 Aka, ua koo i ke Aupuni, ua mine minerals a me ua mine metala a pau.
 No *John Cavanah*
 ua aia i ka lani, no *na* mau loa aku no, ma ke ano ake, a no ke *na* mau hooi, a me ke
na waihona, ua pili nae ka subu a ka Poo Alaolelo a ka hooi ai ma ua aia ake a pau i kela
 manawa i keia manawa.

A i mea e ika'i, ua kau wai i ko'u inoa, o me ka Sila Nui o ko Hawaii Pae Aina, ma
 Honolulu, i keia la *3* o *November* 1954

Signed *J. Cavanah*
 Inoa

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawaii, do hereby certify that the attached document is a true and correct copy of Probate No. 37, Estate of Henry Clark, from Probate Records of the Third Circuit Court [Series 016], Judiciary of Hawaii

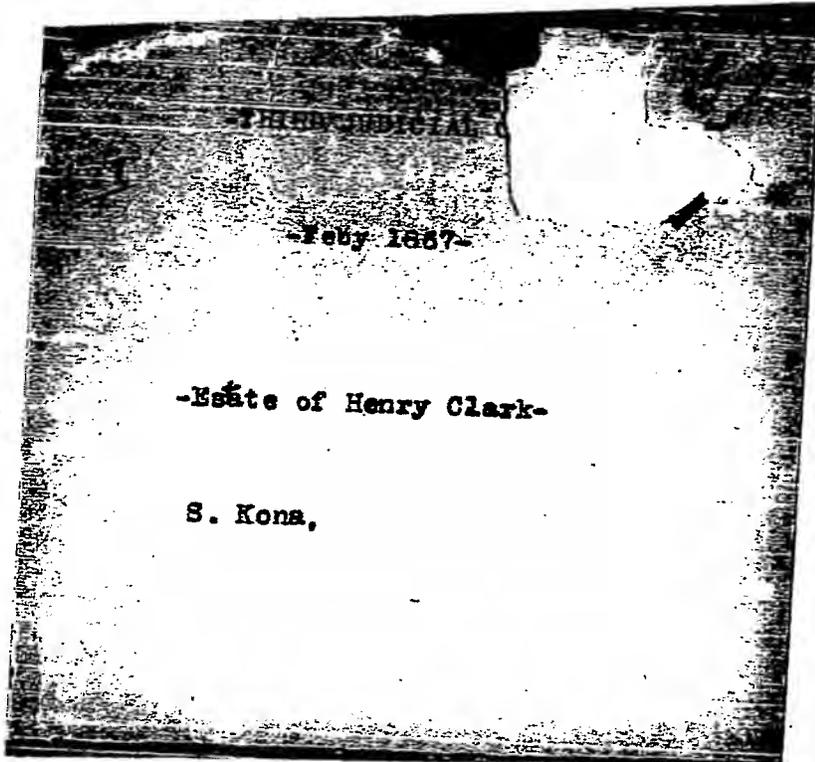
on file in the STATE ARCHIVES, at Honolulu, State of Hawaii.

Witness my hand and seal this 12th day of March, 2003 at Honolulu, State of Hawaii.

SUSAN SHANER, STATE ARCHIVIST

EXHIBIT

Q



THIRD QUARTER

-Feb 1887-

-Estate of Henry Clark-

S. Kona,

By order of }
Court }

Circuit Court
February 14th 1867

Read of C. H. Lindsey Esq. Clerk of the Circuit
Court 3rd Judicial District the sum of One
hundred and Seventy Dollars being an amount
due the Estate of Mary Clark deceased of
Kauai County, Hawaii.

Wm. A. Neill

Estate #37

Est. Henry Clark
P. B. Neville's

Receipt

July Term 1867.

Estate #37

Apply to Fuller
Honolulu

March 24 1852

To His Highness
John Young

If the Government possesses any Land at Paauhau, or neighborhood about three miles south of this Place I would beg to offer for it .25^{cts} an Acre say for 500 Acres commencing from the Beach. It is not adapted for tillage being a mass of Lava it would answer the purpose however of keeping Goats on it if it remains unsold.

I am aware the Government has an Agent for Kona District but not knowing where to find him It is now convenient - as vessels are constantly passing - to write directly to your Highness.

I remain your Obedt. Servant.
Henry Clarke

EXHIBIT

R

No. 7732

ROYAL PATENT.

Upon Confirmation of the Land Commission.

WHEREAS, The Board of Commissioners to quiet Land Titles have by their decision awarded unto

Ukeshie

*Mulouau Helehu 5368
Lupua 2*

an estate of Freehold less than Allodial, in and to the Land hereafter described, and whereas

proper application having been made by Benicio Tenuaki Bishop the present owner to the Minister of the Interior for a Royal Patent on the within described land and the Government Commission amounting to two hundred and sixty six and 66/100 Acres having been duly made.

THEREFORE, KALAKAUA, by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and his successors in office, this day granted and given absolutely, in Fee Simple unto

Ukeshie

all that certain piece of land situate at

Ohupua Helehu 1st South Home

in the Island of

Hawaii

and described as follows:

Commence at rock marked X on the sea coast at boundary of Kaulaoli and running along the coast to Helehu 2nd as follows:

- 1 South 5¹/₂ East 10.00 Chain
- 2 South 18° East 36.00 "
- 3 South 51° " 22.00 "
- 4 South 54° " 13.40 "
- 5 North 57° " 2.42 "
- 6 South 38° " 3.22 " to large rock on sand beach
- 7 North 69° 22' " 1.85 " to corner of Old Helehu Helehu
- 8 North 60° 50' " 3.36 " to top of pali of Helehu 2nd
- 9 North 24° 30' West 2.95 " along pali line of Helehu 2nd
- 10 North 22° " 5.15 "
- 11 North 20° 15' " 2.00 " to corner of pali from
- 12 North 69° East 15.20 " to stone wall
- 13 North 72° 45' " 21.94 " along stone wall
- 14 North 66° 15' " 52.20 " to upper corner
- 15 North 44° 15' " 26.02 " to upper level road
- 16 North 65° 30' " 99.00 " to woods
- 17 North 75° " 435.00 " to Helehu water side

EXHIBIT

S

- 19 North 44.00 to Kaima thence along Hehukua to Kūiaia, thence
along boundary of Kūiaia as follows
- 20 South 67°00 West 120.00 " along Kūiaia to point opposite
Kōma Kōma
- 21 South 74°00 " 418.00 " to Kaulea + Kōma mounds
- 22 South 32°00 " 5.00 " along Pākaulea's land
- 23 South 56°00 " 25.60 " " " " "
- 24 South 85.45 " 44.00 " " " " " to ahia
middle of road, thence along
Kermadec land and land of
Kaulea Royal Patent 1875
- 25 South 76.00 " 31.60 " to commencement of Kermadec
land
- 26 South 74°45 " 34.00 " " " " "
- 27 South 80°30' " 51.70 " to ahia on lower road
- 28 South 85°15' " 28.80 " to sea coast + point of
commencement and containing an area of
7.300 acres more or less

Containing

7300

Acquiescence

more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

TO HAVE AND TO HOLD, the above granted Land in *Fee Simple*, unto the said

Heirs

Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all landed Property held in Fee Simple.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed this 4th day of *June 1874*

Signed: Kamehameha III

By THE KING:

The Minister of the Interior,

Signed: Charles J. Smith

8128

Land Patent No. 8128.

In Confirmation of Land Commission Award.

Whereas, the Board of Commissioners to quiet Land Titles did by Land Commission Award No. 7716 Award to Apuna to R. Keelikalani an estate of freehold less than collective in the Land hereinafter described: And whereas proper application having been made to the Commissioner of Public Lands by John F. Colburn for and on behalf of the Kapiolani Estate Limited, a corporation duly incorporated under the laws of the Territory of Hawaii for a Patent of the herein described land, whereas a certificate of boundaries defining the same having been duly filed to the Government, ~~Commencement thereon was released by resolution of the Privy Council August 27th 1850 and by surrender of various lands to the Government set forth and of receipt in volume 3 of Foreign Testimony on page 111.~~ Therefore, the Governor of the Territory of Hawaii, in conformity with the laws of the United States of America and of the Territory of Hawaii, by this Patent makes known to all men, that he has this day granted and confirmed absolutely, in Fee Simple, unto

R. Keelikalani

all of the land situate at Kealia P. in the District of South Kona Island of Hawaii bounded and described as follows:

Commencing at large rock on coast line of Kealia Ist. and running up said line as follows,—

1. North 69° 22' East 1.85 chains to center of old Kahuwa hole;
 2. North 60° 50' East 3.36 chains to upper edge of pali;
 3. North 24° 30' West 2.95 chains along upper edge of pali;
 4. North 28° 00' West 5.15 chains along upper edge of pali;
 5. North 20° 15' West 8.00 chains to South east corner of goat pen
 6. North 69° 00' East 15.80 chains to stone wall
 7. North 72° 45' East 21.91 chains along stone wall
 8. North 66° 15' East 52.80 chains " " " to its mauka corner
 9. North 66° 15' East 26.00 chains to upper Govt road;
 10. North 65° 30' East 92.00 chains to woods;
 11. North 85° 00' East 485.00 chains, through woods to Komakawai water.
- North east corner of Kahiuku.
12. South 9° 00' West 40.00 chains to corner of Hookeka,

EXHIBIT

U

Containing 1842. Acres, more or less.

To Have and to Hold the above granted Land in Fee Simple unto the said

Keelikelasi
and her heirs and assigns forever.

In Witness Whereof, The Governor of the Territory of Hawaii, has hereto set his hand and caused the Great Seal of the Territory to be hereunto affixed, this 8th day of February

Great Seal

A. D. 1902.

/s/ Sanford B. Dole

BY THE GOVERNOR:

/s/ Edward S. Boyd
Commissioner of Public Lands.

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

September 22, 2009

Clarence A. Medeiros Jr.
86-3672 Government Main Road
Captain Cook HI 96704

Dear Mr. Medeiros:

Subject: Responses to Comments, Draft Environmental Assessment for Construction of a Single-Family Residence in the Conservation District at Kalāhiki, South Kona TMK 8-6-014:012 and 003 (por.)

Thank you for your comment letter dated September 2, 2009, on the Draft EA. As in the past, you provided me with a wealth of fascinating information that is difficult to obtain from any other source, which has greatly increased my knowledge of South Kona and its history. It is clear that your overarching concern is the protection of natural, cultural and historical resources in the area. The focus of the subject Environmental Assessment, however, is the particular impact that would ensue construction and use of a single-family home on a kuleana parcel. Although the EA should not be blind to related issues in the region, they must be tied in some specific way to the proposed action in order to: a) assess impacts and b) devise mitigation, in the form of avoidance, minimization, rectification or compensation. Please understand this as you read my responses to your specific comments:

1. *Protection of Umauma Kalāhiki parcel (TMK 8-6-014:009)*. We acknowledge your interest and concern; no aspect of the project would appear to pose any impacts to this property.
2. *Misspelling of Auae on shoreline survey map*. Although the error is not material to the map or its use, we regret it. This map cannot be replaced.
3. *Historic sites goals in GP (and reference to page 38 of DEA)*. In the context of the impacts related in any way to this project, which involves a single-family home and a short driveway, we believe that the historic and archaeological sites have been properly documented and that the goals of the General Plan and similar plans have been fulfilled.

4. *Ala Loa (mentioned in various places in your letter)*. Thank you for the background, which helps provide context for various events that have been reported to us. The “destruction of historical sites in 2008” you allege apparently relates to an area located approximately one mile from the project site and does not relate to the proposed single family home and driveway. We understand you have made these same allegations to a number of State and County regulatory agencies and that formal investigations and at least one site visit have been conducted. We assume the responsible agencies will take whatever actions they believe are appropriate, if any. I would note that the proposed driveway will help guide the residents of and visitors to this kuleana off the shoreline, which is presently used for a road.

5. *Flood control and drainage*. There may be larger drainage issues that may require addressing in parts of this region, but we find no indication that stream flooding poses any hazard to the proposed use of the kuleana as a single-family home. The flooding area you most specifically refer to was systematically mapped by FEMA and is illustrated in the EA in its proper position, several hundred feet from the subject kuleana. We would note that the Kalāhiki area has been used for centuries as a place of residence.

6. *Appendix 1a*. I am unclear as to the point of this reference to the two separate trails. The Draft EA specifically and extensively discusses the two trails in Section 3.2.3.

7. *Presence of goats*. The interesting information you added from various sources regarding the presence of goats in the Kalāhiki area has been added to the EA.

8. *Comments and supporting documents*. Your comments and supporting documents will be included in the Final EA.

We very much appreciate your review of the document. If you have any 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. Below the name, there is a horizontal line that tapers to a point on the right side.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo
Keith Unger
Roy A. Vitousek III

ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

ASSOCIATED IMPROVEMENTS IN THE

CONSERVATION DISTRICT

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPENDIX 2

Archaeological Inventory Survey/Cultural Impact Assessment

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

September 21, 2009

Robert B. Rechtman, Ph.D.
Rechtman Consulting, LLC
507-A E. Lanikaula Street
Hilo, Hawaii 96720

LOG NO: 2009.3256
DOC NO: 0909MD31
Archaeology

Dear Dr. Rechtman:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Inventory Survey of 0.20 Acres with No New Sites
Kalahiki Ahupua'a, South Kona District, Island of Hawai'i
TMK: (3) 8-6-014:012**

Thank you for resubmitting the above-referenced report (*Ketner and Rechtman 2009; Archaeological Inventory Survey and Limited Cultural Assessment of TMK:3-8-6-14:012, Kalahiki Ahupua'a, South Kona District, Island of Hawaii; RC-0521*), which we received on August 14, 2009. The report presents the results of an archaeological inventory survey of a feature of SIHP 50-10-56-4200, specifically the *kuleana* parcel LCAw. 9746C:1. Excavations at this location indicate that it was once a household site during the Post-contact period, and it has been recommended as significant under criteria "d" and we concur with that assessment. Following excavations the recommendation has been made for no further work and we concur with that assessment.

We understand that this project has been included in county of Hawaii applications by the owners towards constructing a single-family residence. For those purposes we note that this AIS does not indicate the location of one or more trails under review as part of the federal Ala Loa Trail System, and the driveway proposed for the residence is described in the text as meeting an existing Jeep road, but no road appears on the map showing the proposed driveway location (Figure 2).

For that reason and because of the closeness of nearby parcels which were also *kuleana* awards and the likelihood of encountering historic properties during construction we are recommending that archaeological monitoring be conducted pursuant to HAR §13-277. A monitoring plan should be prepared for review and acceptance by SHPD.

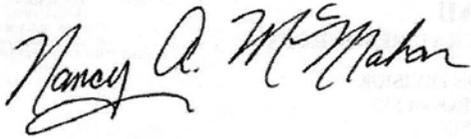
We had previously requested minor revisions to an earlier draft of this report (*Log No. 2009.0709, Doc No. 0909MD06*) and all changes have been made. The report is generally of good quality and meets the requirements of HAR §13-276, thus fulfilling the historic preservation review requirements for this project. Upon receipt of this letter please submit one paper copy of your report marked "Final" to our Kapolei office along with a CD containing a searchable pdf version of the final report and a copy of this approval letter, marked to the attention of the "Kapolei Library."

Robert B. Rechtman, Ph.D.

Page 2 of 2

If you have questions about this letter please contact Morgan Davis at (808) 933-7650.

Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist and Historic Preservation Manager
State Historic Preservation Division

Cc:

Dana Okano, Planner via email to: dokano@co.hawaii.hi.us

Rick Gmerkin, Ala Kahakai via email to: Rick_Gmirkin@nps.gov

Clement Chang, Na Ala Hele via email to: cchang@dofawha.org

An Archaeological Inventory Survey and Limited Cultural Assessment of TMK:3-8-6-14:012

Kalāhiki Ahupua‘a
South Kona District
Island of Hawai‘i



DRAFT VERSION

PREPARED BY:

Amy Ketner, B.A.,
and
Robert B. Rechtman, Ph.D.

PREPARED FOR:

Keith and Cynda Unger
P.O. Box 500
Hōnaunau, HI 96726

December 2008

RECHTMAN CONSULTING, LLC

507-A E. Lanikaula St. Hilo, Hawaii 96720
phone: (808) 969-6066 fax: (808) 443-0065
e-mail: bob@rechtmanconsulting.com
ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

An Archaeological Inventory Survey and
Limited Cultural Assessment of
TMK:3-8-6-14:012

Kalāhiki Ahupua‘a
South Kona District
Island of Hawai‘i

EXECUTIVE SUMMARY

At the request of Keith and Cynda Unger, Rechtman Consulting, LLC conducted an archaeological inventory survey and limited cultural assessment of Tax Map Key (TMK):3-8-6-14:012, comprising roughly 0.2 acres and a proposed driveway corridor located in Kalāhiki Ahupua‘a, South Kona District, Island of Hawai‘i. The purpose of this study is to identify any historic properties (including traditional cultural properties) that might exist within the project area, assess the significance of any such resources and provide a statement of impact to any such resources as a result of the proposed development of a single-family dwelling. The current study parcel has been identified as a *kuleana* house lot (Land Commission Award [LCAw.] 9746). As this parcel lies within the State Conservation District, the results of the current study will be part of an Environmental Assessment and Conservation District Use Application being prepared pursuant to HRS Chapter 343. Archaeological fieldwork for the current project was conducted on November 1 and 2, 2007 by Matthew R. Clark, B.A., Ashton K. Dircks, B.A., Johnny R. Dudoit, B.A., and Michael K. Vitousek B.A., under the supervision of Robert B. Rechtman, Ph.D.

As a result of the archaeological fieldwork, LCAw. 9746 was recoded and is identified as part of a larger State Site Complex (50-10-56-4200). LCAw. 9746 represents the remains of a *kuleana* house lot awarded to Auae in 1847. Core-filled walls and a pecked boulder were the only surface features present on the study parcel. Subsurface testing revealed middle nineteenth century artifacts of European manufacture, basalt tool production or use, and a small amount of marine and faunal food remains. No archaeological resources were identified in the proposed driveway alignment. LCAw. 9746 was a *kuleana* house lot occupied during the Historic Period and is considered significant under Criterion D for the information it has yielded relative to *kuleana* land use. It is argued that information collected during the current study has been adequate to successfully mitigate any potential impacts to this site resulting from the proposed development of TMK:3-8-6-14:12.

As part of the current assessment study interviews were conducted with three individuals as well as with a small gathering of community members tied to an organization called Kama‘āina United to Protect the ‘Āina. The interviews were informal in nature, meaning that they were not recorded nor transcribed. Interviewees were asked about their relationship to and knowledge of the current study area, about any past and/or on-going cultural practices that took/take place within and around the current study area, and about any cultural impacts that might result from the construction of a single-family residence on the subject parcel. There were no Traditional Cultural Properties, valued natural resources, or cultural beliefs and practices identified to be specifically associated with the current study parcel. As a result of the archival review and the consultation process, there were several potential cultural properties and associated practices identified for the general area, but none of these will be impacted by the construction of a single-family residence on this *kuleana* parcel, a parcel which was awarded as a residential house lot during the *Māhele*.

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INTRODUCTION

At the request of Keith and Cynda Unger, Rechtman Consulting, LLC conducted an archaeological inventory survey and limited cultural assessment of Tax Map Key (TMK):3-8-6-14:012, comprising roughly 0.2 acres and a proposed driveway corridor located in Kalāhiki Ahupua‘a, South Kona District, Island of Hawai‘i (Figure 1). The purpose of this study is to identify any historic properties (including traditional cultural properties) that might exist within the project area, assess the significance of any such resources and provide a statement of impact to any such resources as a result of the proposed development of a single-family dwelling. The current study parcel has been identified as a *kuleana* house lot (Land Commission Award [LCAw.] 9746) that was awarded to Auae in 1847; and is a portion of State Site Complex 50-10-56-4200. As this parcel lies within the State Conservation District, the results of the current study will be part of an Environmental Assessment (EA) and Conservation District Use Application (CDUA) being prepared pursuant to HRS Chapter 343. This archaeological and cultural study was undertaken in accordance with the Rules Governing Minimal Standards for Archaeological Inventory Surveys and Reports as contained in Hawai‘i Administrative Rules 13§13–284 and the Office of Environmental Quality Control (OEQC) Guidelines; and in compliance with both the Historic Preservation review process requirements of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) and the County of Hawai‘i Planning Department.

This report contains background information outlining the project area’s physical and cultural contexts, a presentation of previous archaeological/cultural work in the vicinity of the study parcel, a summary of oral interviews and consultation that was conducted, and current survey expectations based on the information obtained from the interviews and from the previous work. Also presented is an explanation of the project’s methods, a description of the archaeological features encountered, interpretation and evaluation of those resources, and treatment recommendations for the documented site.

Project Area Description

The current project area is roughly 0.2 acres located in Kalāhiki Ahupua‘a, South Kona District, Island of Hawai‘i (TMK:3-8-6-14:012) (Figure 2). The study parcel is situated on the western, coastal flank of Mauna Loa on rough broken land (RB) that is described as containing stone and rock outcrops, beach sand, coral, and waterworn cobbles (Sato et al. 1973). The underlying lava flow originated from Mauna Loa 1,500 to 3,000 years ago (Wolfe and Morris 1996). Elevation within the current project area ranges from sea level to 40 feet above sea level (see Figure 1). The study parcel is accessed through a series of gated ranch roads that originate from Ho‘okena Beach Road. The study parcel is located on the coast, approximately 50 meters inland from the ocean, and is roughly one mile south of Ho‘okena Beach Park. It is bounded on the north, east, and south sides by undeveloped parcels and on the west side by a rocky coastal shelf and the Pacific Ocean. The coastal shelf contains many pecked basins (Figure 3). The ground surface within the study parcel transitions from waterworn cobbles and coral on the *makai* side, to beach sand with scattered cobbles in the center, and then to exposed bedrock with angular cobbles and moderate vegetation on the *mauka* side (Figures 4 and 5). A proposed driveway corridor extends off the east side of the current study parcel for approximately 26 meters before turning south and extending approximately 50 meters at which point it meets up with an existing *mauka/makai* ranch road.

Vegetation within the project area consists of Boerhavia (*Boerhavia coccinea*), madagascar periwinkle (*Catharanthus roseus*), spider wisp (*Cleome gynandra*), coconut (*Cocos nucifera*), mauritius hemp (*Furcraea foetida*), beach morning glory (*Ipomoea pes-caprae*), Christmas-berry (*Schinus terebinthifolius*), air plant (*Kalanchoe pinnata*), koa-haole (*Leucaena leucocephala*), momordica (*Momordica charantia*), noni (*Morinda citrifolia*), guinea grass (*Panicum maximum*), ‘opiuma (*Pithecellobium dulce*), pigweed (*Potulaca oleracea*) kiawe (*Prosopis pallida*), coral berry (*Rivina humilis*), Christmasberry (*Schinus terebinthifolius*), coffee senna (*Senna occidentalis*), milo (*Thespesia populnea*), and ‘uhaloa (*Waltheria indica*).

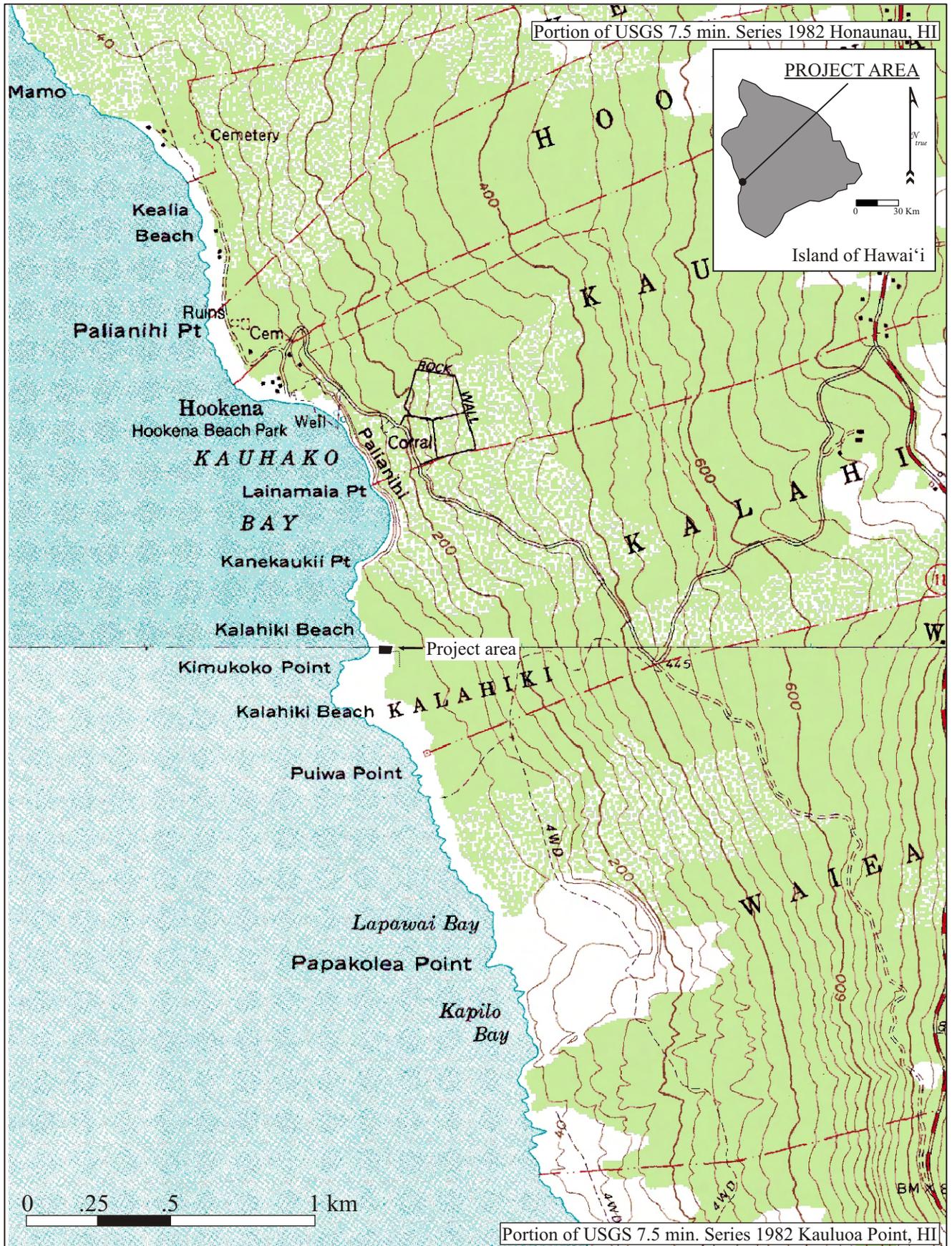


Figure 1. Project area location.

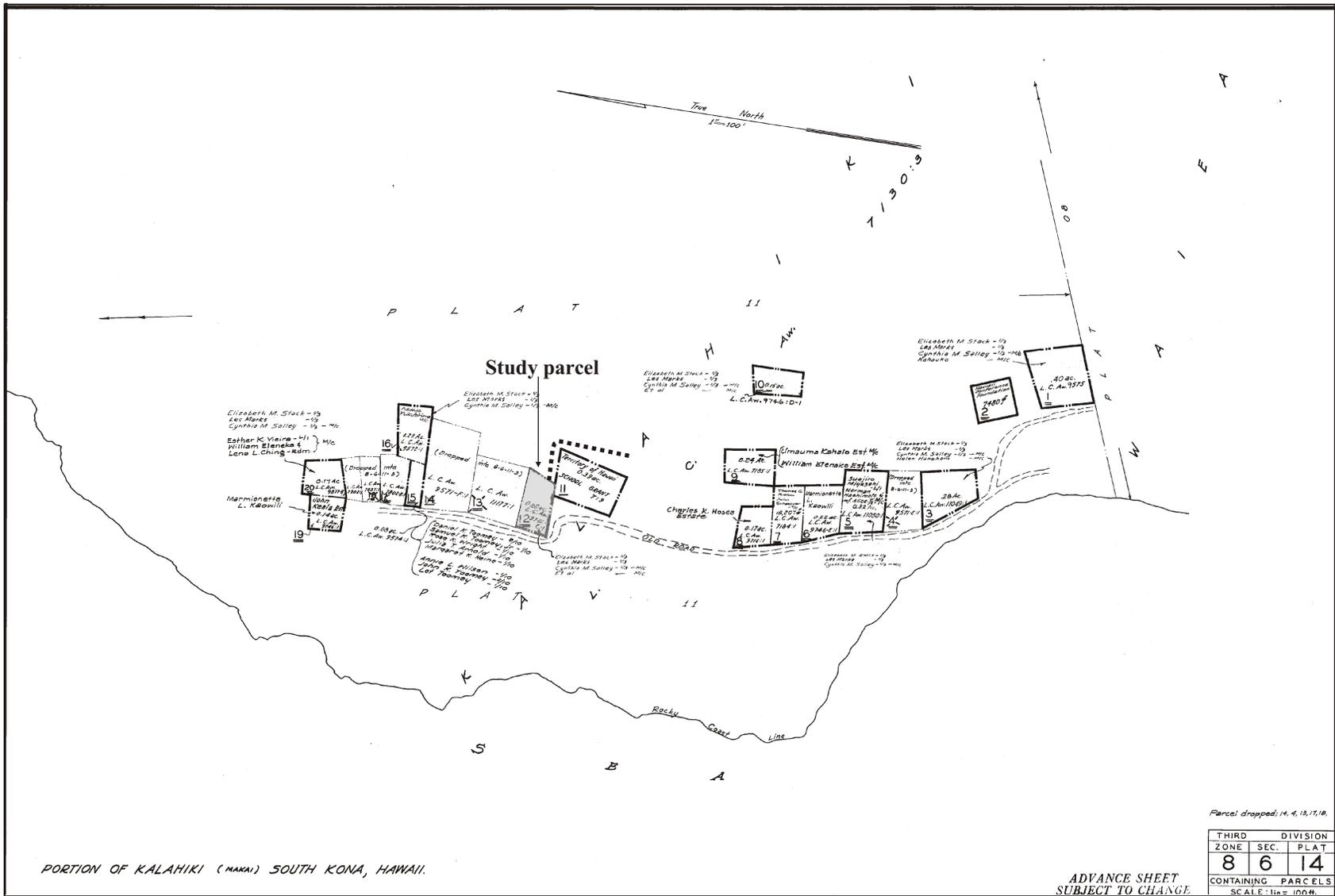


Figure 2. Tax Map Key (TMK:3-8-6-14) showing study parcel (012).



Figure 3. Overview of pecked basins on coastal shelf.



Figure 4. View to the southeast of the study parcel.



Figure 5. Vegetation on the *mauka* portion of the study parcel, view to the northwest.

BACKGROUND

This section of the report describes and synthesizes prior cultural, historical, and archaeological studies that are relevant to the current project area; and provides a brief cultural-historical background of Kalāhiki Ahupua‘a and the general South Kona region.

Cultural-Historical Context

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).

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).

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 (Kaiakeakua) vicinity, Kahalu‘u-Keauhou, Ka‘awaloa-Kealakekua, 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).

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* (cf. Fornander 1973–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 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 Kepā Maly (Maly and Maly 2002:7)]

Like other large land units on the Island of Hawai‘i, Kona is divided into two smaller units of land and is referred to as North and South Kona. The *ahupua‘a* of Kalāhiki is located in South Kona within a sub-region traditionally known as *Ka-pali-lua*, translated as “the two cliffs” (Pukui and Elbert 1986). This descriptive term refers to the prominent coastal bluffs of the area. South Kona is noted for its steep slopes, former extensive upland agricultural plantations beginning near the former *ala loa* (ancient trail, later *alanui aupuni* [government road] and currently approximating the alignment of Māmalahoa Highway), and rich near shore and deep sea fisheries. The portion of *Ka-pali-lua* in which the current project area is situated includes the *makai*-most sections of the former extensive agricultural areas.

According to Pukui et al. (1974:73), Kalāhiki literally means “the sunrise”. A story of how Kalāhiki Ahupua‘a acquired its name is found in “The Heart Stirring Story of Ka-Miki”. Historians John Wise and J.W.H.I. Kihe published “The Heart Stirring Story of Ka-Miki” over a period of four years (1914-1917) in the Hawaiian newspaper *Ka Hōkū o Hawai‘i*. While “Ka-Miki” is not an ancient account, it is a mixture of local traditions, tales, and family histories that provide site-specific histories. In the following account we learn of a *heiau* at Kalāhiki and about two sacred chiefesses, one of which Kalāhiki Ahupua‘a was named after.

Kahauwawaka was a priest of the *hulihonua* and *kuhikuhi pu‘eone* (a seer and reader of the lay of the land-one who directed the construction of important features); he was a counselor to the *ali‘i* Kauhakō and Pāhoehoe, whose names are commemorated as places to this day.

The *heiau*, by the name Kahauwawaka, at Kalāhiki, was named for this priest, as were a plantation in which *iholena* bananas, *‘awa*, *kalo*, and other crops were planted; and a fisherman’s *ko‘a* near the shore. When Ka-Miki and Maka‘iole approached the compound of the chief Kauhakō, Kahauwawaka discerned the supernatural nature of the brothers and warned the chief not to challenge them to a contest...Kauhakō did not heed the warnings of the priest, and he was killed as a result of his arrogance...Following their contest, the brothers traveled to the plantation of Kahauwawaka, and Kahauwawaka invited them to his home for a meal.

Now the house was built high atop a hillock, and it was completely surrounded by stones. The brothers understood that the reason for this was to protect the priest from attack. It was difficult to get to the house, and if someone should try to reach the priest, he would pelt them with sling stones.

While Kahauwawaka was preparing food, Ka-Miki went to fetch *‘awa* from the priests’ garden, which was some distance upland, in the *‘ōhi‘a* and *‘ie‘ie* forest...

Once the *‘awa* was prepared and the offerings made, they all ate together and drank the *‘awa*. The *‘awa* was so powerful that Maka‘iole and Kahauwawaka were quickly embraced in sleep. Ka-Miki then descended to the shore of Kalāhiki, at Kōwa‘a, where he met with the head fisherman Kūalaka‘i, and the people of the area.

The shore line at this part of Kalāhiki was called Kaulanawa‘a, and it was here that the *‘ōpelu* fishermen were landing their canoes. The fishermen’s usual practice was to haul or drag their canoes on *hau* (*Hibiscus tiliaceus*) and *wiliwili* (*Erythrina sandwicensis*) *lona* (rollers) up to the *hālau wa‘a* of Kuaokalā. Ka-Miki saw the canoes landing, and grabbed a canoe with the nets, three men and fish still in it and carried the entire load, placing the canoe in the *hālau*.

...Kūalaka‘i, the lead fisherman offered Ka-Miki half of their catch. Ka-Miki moved by Kūalaka‘i’s generosity, told him, “As you have given me these fish, so the *‘aumākua lawai‘a* (fishermens’ deities) shall empower you (*a e mana iā ‘oe...*). “*Kūalaka‘i* you, your wife *Kailohiaea*, and your descendants shall have all the fish you need, and your practices will be fruitful”...With these words, Ka-Miki picked up the net with his portion of *‘ōpelu*, and in the wink of an eye, he disappeared to the uplands, arriving at a place called Pīnaonao.

The forest of Pīnaonao was filled with *lehua* trees, *‘i‘iwi* and *‘akakane* (*‘apapane*) birds...

And from within the forest came the laughter of two young women, who were making *lehua* garlands. This forest region was protected and not open to anyone but these two girls, the sacred chiefesses, Ka-lā-hiki-lani-ali‘i and Waiea-nui-hāko‘i-lani, for whom the lands of Kalāhiki and Waiea were named. (Kihe et al. in Maly and Maly 2002:11-13)

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 and Maly 2003).

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). The rituals of Lono “The father of waters” and the annual *Makahiki* festival, which honored Lono, were of great importance to the native residents of this region (Handy et al. 1972: 349). The significance of rituals and ceremonial observances in cultivation and 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.

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 rains 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)

It was the limited access to fresh water that necessitated the need for planting in zones according to rainfall and moisture. Handy et al. (1972: 524–525) provide insight into the native cultivation and agricultural practices that were required in South Kona:

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

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

Kalāhiki Ahupua‘a likely provided a variety of sustainable resources to the Precontact Hawaiians residing there and to the *ali‘i* who claimed the land. The *ahupua‘a* residents utilized the land in accordance with specific elevation zones (Handy et al. 1972). These land use zones reflected different environments where specific natural resources were readily acquired and where varying degrees of modification of the

terrain produced a sustainable amount of agricultural goods. Dryland planting techniques in the upland regions included the *'umokī* (planting in mulched holes); *pu'epu 'e* (planting in earthen or stone mulched mounds); and *pā kukui* (planting in *kukui* groves where trees were felled and used as mulch) (Handy et al. 1972: 105-110).

Given the environmental conditions of the region, the native residents practiced a subsistence-based system of seasonal travel and residence across the land. Traditions recorded in the nineteenth and early twentieth centuries, and oral histories collected from individuals born in the early 1900s, document that the families of the region maintained residences at various elevations. Primary residences were situated near the *ala loa* and along the shore. Temporary residences, which were used recurrently over long periods of time, were maintained in the upland planting zones. Travel between residences was carried out over a system of *mauka/makai* trails in each *ahupua'a*. Coastal residences in different *ahupua'a* were also connected by trails. Many of these trails continued to be traveled on foot by residents and landowners through the early 1900s. The locations of these trails were documented on a 1932 U.S. Army map (Figure 6). By the 1930s, some of the trails were modified for vehicular travel.

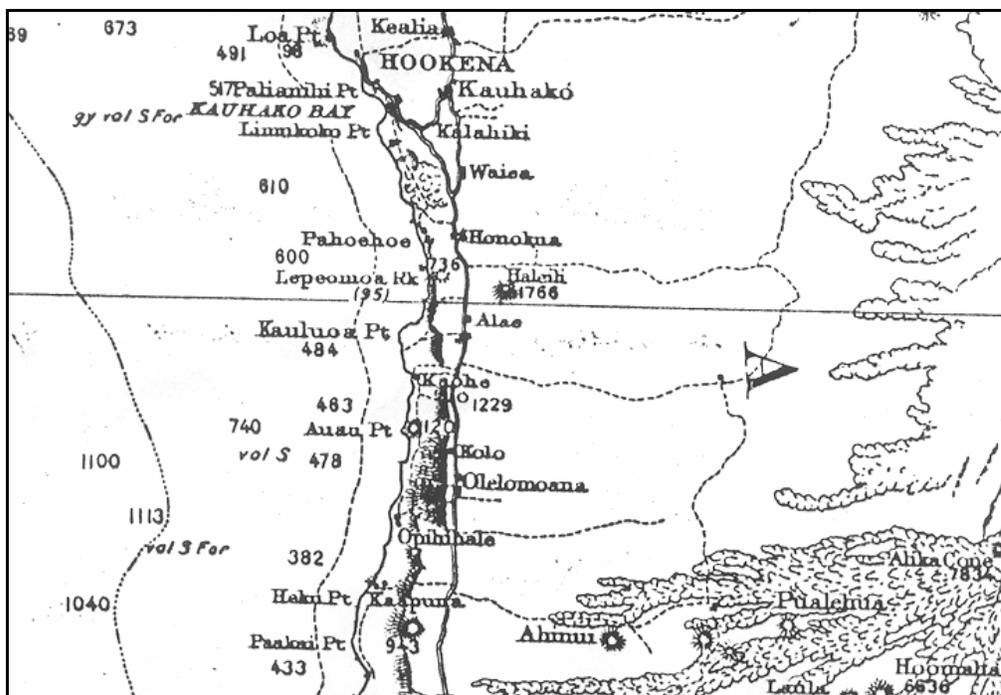


Figure 6. Portion of 1932 U.S. Army map showing roads and trails.

In Precontact Hawai'i, all land and natural resources were held in trust by the high chiefs (*ali'i 'ai ahupua'a* or *ali'i 'ai moku*). The use of lands and resources, including fisheries were given to the *hoa'āina* (native tenants), at the prerogative of the *ali'i* and their representatives or land agents (*konohiki*), who were generally lesser chiefs.

By all accounts, the Hawaiian people attempted to practiced resource conservation, trying never to deplete their fisheries or over harvested their plant resources. Once a fisherman discovered an area full of fish, it became his special feeding spot (*ko'a*) (Titcomb 1972). Here he would feed the fish so they would become accustomed to visiting the *ko'a* and frequent it often. Then he would take only as much fish so as to not alarm the other fish and not deplete the resource. Not only was the inherent need for conservation a way to preserve the fisheries, but there were also certain restrictions placed on the fisheries. Fish, such as

the *aku* and *'opelu*, who run in large schools, were not to be taken during the spawning season. There were also restrictions as to where people could fish, so that they did not take from another *ahupua'a*.

It was King Kamehameha I who united the Hawaiian Islands. Early in his reign there were troubles. Many of the chiefs and landlords under him oppressed the common people. During this period, Kalāhiki Ahupua'a is reported to be one the locations where Kamehemeha's chiefs Alapa'i-malo-iki and Ka-uhii-wawae-ono "went out with their men to catch people for shark bait" (Kamakau 1992:232). Troubles with oppressing and greedy chiefs led Kamehameha I to make this law:

The number of landlords (*haku'aina*) over the keeper of the land (*hoa'aina*) shall be [but] one. The people (*maka'ainana*) shall not be made to come long distances to work for the keeper (*konohiki*); the chiefs and keepers shall not strip the people of their property leaving them destitute; no man shall give many feasts and absorb the property of the poor; no landlord shall compel a man to work for him who does not want to, or to burden him in any way; he should be impartial and judge his people aright. (Kamakau 1992: 231)

Captain Cook arrived in 1778 and with the arrival of foreigners came disease, and different views on politics, land and fishing tenure, religion, and tradition. During the time period between Captain Cook's arrival in 1778 and the death of King Kamehameha I in 1819 settlement and subsistence practices continued to operate much as it had prehistorically (Handy et al. 1972). After Kamehameha's death in 1819, many of the traditional Native Hawaiian ways were being altered to adjust to the influence of foreign entities.

Within six months after the death of Kamehameha I, and during the rule of his successor Liholiho (Kamehameha II), the traditional socio-religious (*kapu*) system had been dismantled. And, with the end of the *kapu* system, changes in the social, religious, and economic patterns began to affect the lives of the common people. Liholiho died in 1824, but during his short reign drastic changes occurred affecting the course of Hawaiian history. The friendly reception afforded to the missionary arrival in 1820 was among the most significant of Liholiho's actions.

William Ellis was a missionary who toured the Island of Hawai'i in 1823 searching for communities in which to establish and promote the Calvinist mission. Besides preaching at various villages along his route, Ellis also recorded features of the land, customs of the people he encountered and various other details about the island and its people. At one point along his journey, Ellis, along with Mr. Harwood and fellow missionaries Thurston, Goodrich, and Bishop departed from Honaunau and traveled south. After some distance they came to and rested at Kalāhiki. It is in the following passage that we gain insight into the early Historic Period of Kalāhiki Ahupua'a.

Mr. Harwood being indisposed, and unable to travel, and being myself but weak, we proceeded in the canoe to Kalahiti [Kalāhiki], where we landed about 2 p.m. and waited the arrival of our companions. The rest of the party traveled along the shore, by a path often tedious and difficult. (Ellis 2004: 163)

The party that had traveled by foot to Kalāhiki:

...passed through two villages, containing between three and four hundred inhabitants, and reached Kalahiti [Kalāhiki] about four in the afternoon. Here the people were collected for public worship, and Mr. Thurston preached to them from John VI. 38. They gave good attention, and appeared interested in what they heard.

The evening was spent in conversation on religious subjects, with those who crowded our lodgings.

At this place we observed many of the people with their hair either cut or shaved close on both sides of their heads, while it was left very long in the middle from the forehead to the back of the neck. When we inquired the reason of this, they informed us, that, according to the custom of their country, they had cut their hair, in the manner we perceived, on account of their chief who had been sick, and who they had heard was dead.

We took leave of the friendly people of Kalahiti [Kalāhiki] about nine a.m. on the 25th. Messrs. Thurston, Bishop, and Goodrich, continued their journey along the shore, and I went in the canoe in company with Mr. Harwood.

After leaving Kalahiti [Kalāhiki], Messrs. Thurston, Goodrich, and Bishop, proceeded over a rugged tract of lava, broken up in the wildest confusion, apparently by an earthquake, while it was in a fluid state. (Ellis 2004: 163, 164, 171, and 172)

Liholiho's successor was his younger brother Kauikeaouli (Kamehameha III). It was Kamehameha III who transformed Hawai'i into a constitutional monarchy (Kamakau 1992:370). It is under a constitutional monarchy that grievances against oppressing chiefs could be considered and settled upon. Before Hawai'i was a constitutional monarchy, property rights for "both chiefs and commoners were unstable..." (Kamakau 1992:376). Kamehameha III redistributed the land between himself, the chiefs, and the commoners.

In 1839, Kamehameha III defined and distributed the fishing rights of the native tenants, the chiefs, and himself. As a result, the fishing grounds fronting the land, including the coral reefs, were for the *konohiki* of that given *ahupua'a* and the people who lived on that land. The deep ocean was open to all. Some fish, during certain seasons, were tabooed and set-aside for the king. At other times, these fish were to be split between the people and the king. On Hawai'i Island, the albacore was the tabooed fish reserved for the King (Maly and Maly 2003). Not only were certain fish reserved for the king, but also for the *konohiki*. *Konohiki* were given the right to set-aside a species of fish for themselves that lived within the waters fronting their *ahupua'a*. The common people were not allowed to catch the fish that had been reserved for the *konohiki*. The *konohiki* were required to give notice to their tenants, telling them of the species of fish that was restricted. The following letter to the Minister of the Interior from Kinimaka (Kalāhiki *ali'i* awardee) states that the restricted fish is the *'opelu*. (Maly and Maly 2003)

March 2nd, 1852

Kinimaka; to Keoni Ana, Minister of the Interior:

...As a help towards the proper carrying out of the duties of your office according to law, therefore, I notify you of my prohibited fish:

...Kalahiki, Kona, Hawaii. *Opelu* is the prohibited fish....

These are the lands belonging to me where the fish is forbidden... (HSA Int. Dept. Lands in Maly and Maly 2003: 35)

Kamehameha III also promoted education among Native Hawaiians. He believed that educated people would become intelligent skilled laborers and that this would benefit the kingdom. He is quoted as saying "My kingdom is a kingdom of learning" (Ke Au 'oko'a in Kamakau 1992:373).

In 1840, Kamehameha III created a “Statute for the Regulation of Schools” (Maly and Maly 2001). The statute stated that in a village with fifteen or more children, the parents needed to choose a teacher and apply for money in which to pay the teacher, acquire land for the school and building materials necessary to build the school. The school records were originally kept by the missionaries, but by 1847 the records were kept by government officials. In Kalāhiki Ahupua‘a there was a school grant (School Grant 7:9) located adjacent to the southeastern corner of the current project area. It is unclear if this was the location of the Kalāhiki School. What follows are School Inspector’s reports found in the series of Public Instruction that specifically mention the school at Kalāhiki. These were located in Maly and Maly (2001:90 and 92).

July-September 1865

Chas. Gulick (School Inspector’s Report, Island of Hawaii: Inspector’s tour conducted between July 19th to September 1st, 1866; reporting that 85 out of 94 common schools were visited), to Board of Education:

...Kiilae. Another stone coffin without a lid, standing on strange land, the original school lot lying elsewhere. The proficiency of the scholars, some thirty in number, was rather better than the foregoing [Kalahiki], in fact reading and writing were good, but arithmetic and geography were not so good...

South Kona

April 28, 1877

H.R. Hitchcock (Inspector of Schools),

To C. R. Bishop (Pres. Board of Education):

...The schools of Kalahiki, Hookena, Holualoa and Napoopoo are well taught...

The size of the population at Kalāhiki for this time period is unclear, but in 1846, Chester S. Lyman “a sometime professor” at Yale University journeyed to the island of Hawai‘i and recorded the following observation at Kalāhiki:

(September 4, 1846) At 3 h. 35 m., we passed Kalahiki, a long straggling village with a beautiful sand beach and extensive coconut groves (Lyman in Maly and Maly 2001: 35).

Although one can only speculate as to what constitutes “straggling,” we know that there were at least fifteen or more children in Kalāhiki by 1865, prompting a school, which would also mean a fair number of adults rearing these children. Among the many changes that occurred during the early Historic Period, the change in land tenure was immense.

In 1848, the *Māhele ‘Āina* radically altered the Hawaiian system of land tenure. 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: (a) Crown Lands (for the occupant of the throne); (b) Government Lands; and (c) Konohiki Lands. Laws in the period of the *Māhele* record that ownership rights to all lands in the kingdom were “subject to the rights of the native tenants;” those individuals who lived on the land and worked it for their subsistence and the welfare of the chiefs.

As a result of the *Māhele*, Kalāhiki Ahupua‘a was awarded to an *ali‘i* named Kinimaka (LCAw. 7130). Kinimaka was a Maui chief who was imprisoned on Kaho‘olawe Island in 1840 for forging Maui Governor Hoapili’s will (Forbes 1998). The House of Nobles pardoned him in 1842.

A review of the *Waihona 'Aina Māhele* database showed thirty-two *kuleana* and two *ali'i* (both to Kinimaka, possibly a duplicate error) land holdings claimed in Kalāhiki Ahupua'a, but only twenty-five were awarded. Within the coastal portion of Kalāhiki there were nineteen LCAw. The current study parcel is one of these and was awarded to Auae (LCAw. 9746-C: 1). Auae claimed three sections; a house lot; an *ili* (Hanainui); and a taro *kihapai*. The current study parcel is the house lot awarded to Auae in 1847. His agricultural fields were located further inland at elevations ranging from 760 to 920 feet above sea level. In the following native testimony Auae reports that he received the house lot from Kahimahauna.

No. 9746C, Auae
N.T. 564v8

Oopa and Pahua, sworn, they had seen Holualoa write this claim.

Section 1 - Hanainui ili of Kalahiki from Nuhi in 1819.
 Section 2 - House lot in Luailio from Kahimahauna in 1847.
 Section 3 - Taro kihapai in Ulukaumakani ili from Nahua in 1846.

No one objected to Auae.

[Award 9746C; R.P. 3676; Kalahiki S. Kona; 2 ap.; 3.7 Acs]

The *kuleana* awarded along the coast included sixteen house lots, one agricultural lot (LCAw. 7184), and two undetermined (LCAw. 9575 and 9877B) (Table 1). Only sixteen of these coastal awardees received inland agricultural land (Figure 7). The inland agricultural *apana* claimed by the nineteen coastal awardees included the cultivation of taro, sweet potato, banana, coffee, and oranges. These crops were grown within either *kīhāpai* (cultivated patch, garden, orchard, or small farm) or *mala* (garden, field). There were at least 120 *kihapai/mala* mentioned in the *Māhele* testimony of the nineteen coastal LCAw. The awardees claimed between two to five *apana*. The average number of *apana* actually awarded was two. Some of the *apana* claimed by the coastal awardees were located in either the *ahupua'a* of Waiea or Ki'ilae.

Sixteen *'ili* (smaller land divisions within an *ahupua'a*) were mentioned. Of these sixteen, six *'ili* names were mentioned for the coastal LCAw. (see Figure 7). The spelling of some *'ili* differs between LCAw. One *'ili*, named Kapuai, was an *'ili kūpono*. An *'ili kūpono* is described as being “a nearly independent *'ili* division within an *ahupua'a*, paying tribute to the ruling chief and not to the chief of the *ahupua'a*” (Lucas 1995:41). Kapuai was retained by the government; independent of the *ahupua'a ali'i* award (LCAw. 7130). Kapuai was then sold to Mikahaka as a Royal Patent Grant in 1855 (Maly and Maly 2004). Mikahaka was a *Māhele* claimant and awardee in both Kalāhiki and Waiea *ahupua'a*.

In the testimony of nine LCAw., the recipients claimed that their house lot or agricultural lands were given to them by Pahua. In Pahua's testimony, he states that he has “*koele kihapais* of the *kupono*” (N.R. 609v8). “A *koele* was a piece of land seized by an *ali'i* while under cultivation by serf or peasant” (Emerson in Lucas 1995:55). In ten separate testimonies, Nuhi was stated to have given either house lots or agricultural lands. N[P]ahua, Mahu, and Nuhi were former *konohiki* of Kalāhiki Ahupua'a as mentioned in the boundary testimony below. The name Mahu was not mentioned in any of the coastal LCAw. claims, but based on the amount of typographic errors that could have occurred during recordation and/or translation of the *Māhele* documents, it's likely that LCAw. 9746 to Pakui states that the house lot was received from Mahu, not Pahu.

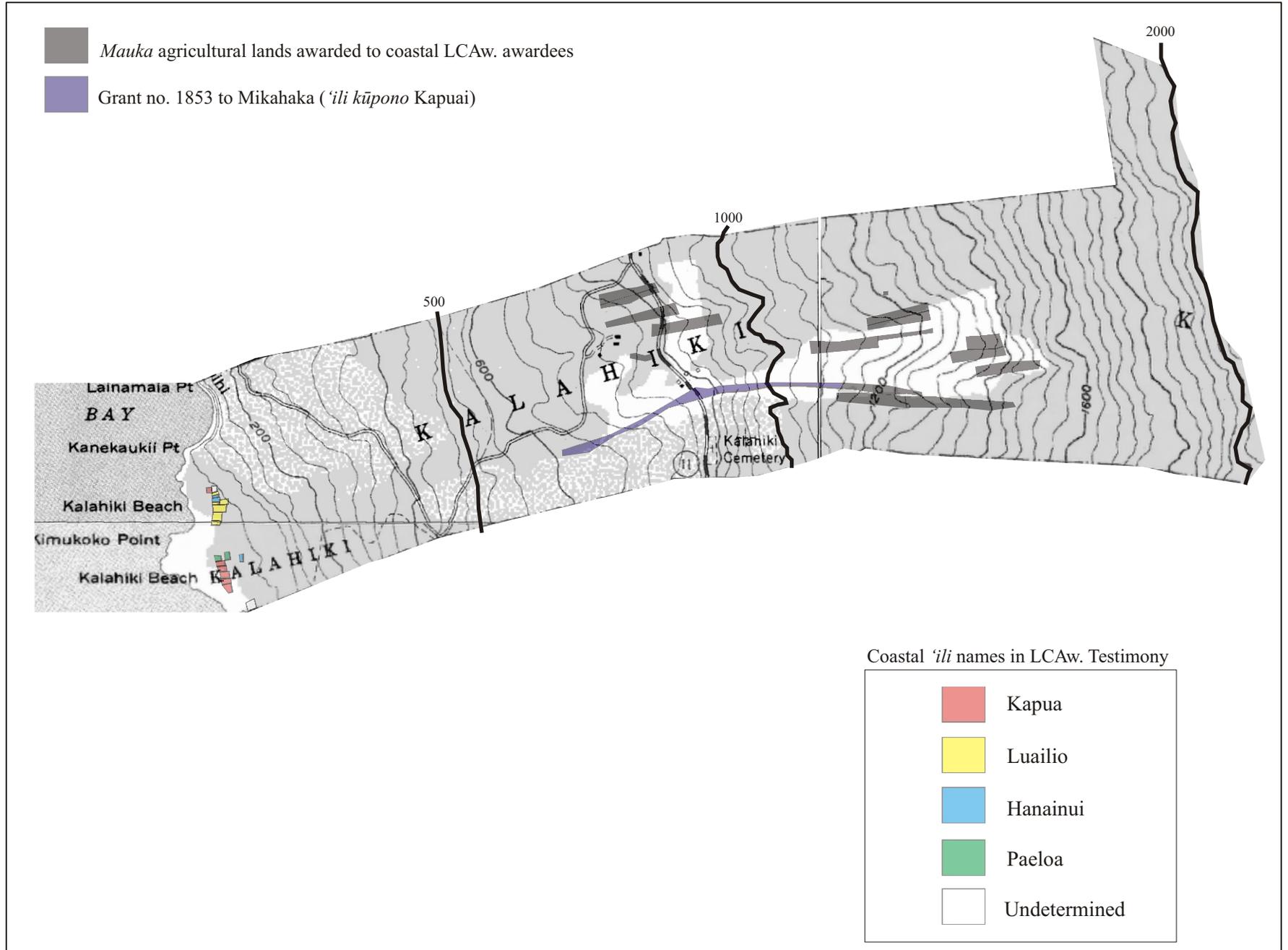


Figure 7. Kalāhiki Ahupua‘a from sea level to 2,000 feet elevation, showing the coastal LCAw. awardees and their inland agricultural lands.

Table 1. Land Commission Awards present in the coastal portion of Kalāhiki Ahupua'a.

| <i>LCAw.</i> | <i>Claimant</i> | <i>Section</i> | <i>Ili name</i> | <i>Land use</i> | <i>Date Rec'd</i> | <i>Giver</i> |
|--------------|---------------------------------------|----------------|----------------------------------|---|-------------------|--------------------------|
| 7027 | Kapipaka | 1 | Hanaiki | Taro and sweet potato <i>kihapai</i> | 1844 | Pahua |
| | | 2 | Manainui [Hanainui?] | House lot | 1839 | Kuluhau |
| 7184 | Kamailohi | 1 | <i>Ili kupono</i> -Kapuai | <i>mala</i> taro and sweet potato | ? | Pahua |
| | | 2 | Kapua | mala banana, 2 coffee trees, taro | ? | Nuhi |
| 7185 | Kaluailama | 1 | Puuloa | taro <i>kihapai</i> | 1839 | Nuhi |
| | | 2 | Hooneenuu [Hooneenui?] | taro <i>kihapai</i> | 1844 | Pahua |
| | | 3 | Paeloa | House lot | 1839 | |
| 7303 | Kawaha | 1 | Haleohe | ? | 1839 | Nuhi |
| | | 2 | Ulukaumakani | Taro <i>kihapai</i> | 1819 | Uli |
| | | 3 | Luailio | House lot | 1819 | Pahua? |
| 7802B | Waipu | 1 | Ulukaumakani | Taro and sweet potato <i>kihapai</i> | 1819 | Nahua [Pahua?] |
| | | 2 | Hanaiki | Taro and sweet potato <i>kihapai</i> | 1840 | Kapipaka |
| | | 3 | Hanainui | House lot | 1819 | Parents |
| 9571E | Kapaka | 1 | Puuloaiki | ? | 1840 | Nuhi |
| | | 2 | Honaunau | <i>Kihapai</i> | 1840 | Pahua [Pahua?] |
| | | 3 | Kapua | House lot | 1840 | Kamau |
| 9571F | Kahoikapu [Kaholoikapu] | 1 | Pahoa | ? | 1839 | Nuhi |
| | | 2 | Luailio | House lot | 1819 | Parents |
| 9572 | Kaniniu | 1 | Haleole [Haleohe?] | Taro and sweet potato <i>kihapai</i> | 1819 | Keliholomakani |
| | | 2 | Pahoe [Pahoa?] | Taro <i>kihapai</i> | 1839 | Kaniniu's husband |
| | | 3 | Kaluailio | House lot | 1819 | Parents |
| 9574 | Namaka | 1 | Haleape | ? | 1839 | Nuhi or Lahua |
| | | 2 | Kapuaui | Taro <i>kihapai</i> | 1844 | Pakui |
| | | 3 | Kuailio | House lot | 1819 | Parents |
| 9575 | Kahoouka | 1? | Kaapahu (Waiea) | House lot | 1820 | Kolii |
| | | 2? | Paeloa | ? | ? | Nuhi |
| | | 3? | Alehiwa/ Niukukahi (Waiea) | <i>Kihapai</i> | ? | ? |
| 9716 | Hoopuhala | 1 | Niukukahi (Waiea) | ? | 1840 | Kahue |
| | | 2 | Kapuai | Taro <i>kihapai</i> | 1839 | Kamailohi |
| | | 3 | Paeloa | House lot | 1839 | Kaolelo |
| 9746 | Pakui | 1 | Kapuaui | <i>Kihapai</i> | 1839 | Nihi [Nuhi?] |
| | | 2 | Hooneenuu [Hooneenui?] | Orange and sweet potato <i>kihapai</i> | 1844 | Pahua |
| | | 3 | Kapua | House lot | 1844 | Pahu [Mahu or Pahua?] |
| 9746C | Auae | 1 | Hanainui | ? | 1819 | Nuhi |
| | | 2 | Luailio | House lot | 1847 | Kahimahauna |
| | | 3 | Ulukaumakani | Taro <i>kihapai</i> | 1846 | Nahua [Pahua?] |
| 9746D | Oopa | 1 | Haleohe | Taro and sweet potato <i>kihapai</i> | 1840 | Kaniniu |
| | | 2 | Hanainui | House lot | 1819 | Parents |
| | | 3 | Hanaiki | Sweet potato <i>kihapai</i> | 1840 | Kapipaka |
| 9746E | Alapae | 1 | Paeloa | Taro <i>kihapai</i> | 1844 | Kaino |
| | | 2 | Paeloa | Sweet potato <i>kihapai</i> | ? | ? |
| | | 3 | Niukukahi (Waiea) | Nahoopuhalu | 184(?) | Nahoopuhalu |
| | | 4 | Kapua | House lot | 1819 | ? |
| 9877B | Puhipau Kahaupenu (wahine heir) | 1 | Piahulihuli (Ki'ilae) | <i>Kihapai</i> | 1819 | Parents |
| | | 2 | ? | House lot in Kalāhiki? | ? | ? |
| 11049 | Mikahaka | 1 | Puulaina (Waiea) | Taro and sweet potato <i>kihapai</i> | 1819 | Palea |
| | | 2 | Kaapaahu (Waiea) | <i>Kihapai</i> | 1840 | Kahue |
| | | 3 | Puuloaiki | <i>Kihapai</i> | 1819 | Kamoku |
| | | 4 | Hooneenua [Hooneenui?] | Taro <i>kihapai</i> | ? | Pahua |
| | | 5 | Kapua | House lot | 1844 | ? |
| 11050 | Pahua | 1 | Hooneenui | ? | ? | ? |
| | | 2 | Puuloa | <i>Kihapai</i> | 1819 | Kamoku |
| | | 3 | Kapua | House lot | 1819 | Kulai |
| 11177 | Kuoha | 1 | Kaumakani | ? | 1840 | Nuhi |
| | | 2 | Luailio | House lot | 1819 | Parents |
| | | 3 | Hanainui | Sweet potato <i>kihapai</i> | 1840 | Kaanae |
| | | 4 | Haleohe | Orange <i>kihapai</i> | 1830 | ? |

Following the *Māhele*, the Kingdom initiated a program of selling parcels of land to interested residents. The lands were those reserved as Government lands—those lands given outright by the King, or commuted to the Government in lieu of paying for other parcels retained by the *ali'i* awardees of the *Māhele*. The grant program was initiated in an effort to encourage more native tenants onto fee-simple parcels of land. The parcels of land sold in the grants were quite large, ranging in size from approximately ten acres to many hundreds of acres. When the sales were agreed upon, Royal Patents were issued and recorded following a numerical system that remains in use today. Within Kalāhiki Ahupua'a there were two grants: School Grant 7:9, and Grant 1853, issued to Mikahaka in 1855 that consisted of the '*ili kupono* Kapuai. Mikahaka was also awarded LCAw. 11049, located within Kalāhiki.

By the late 1840s a system of roads called the "*Alanui Aupuni*", or Government Roads, were created. These were likely initiated due to the land acquisitions by foreigners, and their desire to reach their land more efficiently. The roads also facilitated foot transportation for children who went to schools in different *ahupua'a*. Some of the "Government Roads" were modified ancient trails, such as the *alaloa*. Letters written by and between local residents and government officials during the construction of these roads provide information about site-specific locations. In one letter written in 1847 by George L Kapeau (Governor, Hawai'i), to Keoni Ana (Minister of the Interior) we find that the *makai* Government Road has not yet crossed through the lower portion of Kalāhiki.

When I find a suitable day, I will go to Napoopoo immediately, to confer with the old timers of that place, in order to decide upon the proper place to build the highway from Napoopoo to Honaunau, and Kauhako [Kalāhiki's neighboring *ahupua'a* to the north], and thence continue on to meet the road from Kau... (Interior Departments Roads Hawaii, in Maly and Maly 2002:80)

By 1890 we learn that the road has been built through Kalāhiki Ahupua'a and that there is talk of linking it to the upper Government Road by means of a branch road. Inspection on Roads report:

In the regard to the matter of road damages I will say that the owners of Waiea and Honokua claim something, but if the branch road [road joining to the old *mauka* road] before mentioned is opened up no claim will be made by the owners of Kalahiki. (HSA Interior Department Roads, Box 41 in Maly and Maly 2002:84).

The Commission of Boundaries (Boundary Commission) was established in the Kingdom of Hawai'i in 1862 to legally set the boundaries of all the *ahupua'a* that had been awarded as a part of the *Māhele*. Subsequently, in 1874, the Commissioners of Boundaries were authorized to certify the boundaries for lands brought before them. The primary informants for the boundary descriptions were old native residents of the lands, many of which had also been claimants for *kuleana* during the *Māhele*. This information was collected primarily between 1873 and 1885 and was usually given in Hawaiian and transcribed in English as it was spoken. Kaniu W. Lumaheihei gave the following boundary description of Kalāhiki Ahupua'a on July 30, 1873.

Ahupuaa of Kalahiki
District of South Kona, Island of Hawaii
Boundary Commission Volume A, No. 1; 222

Kalahiki, District of South Kona

Hon. R.A. Lyman
 Boundary Commissioner, for the 3rd Judicial District, Island of Hawaii

The undersigned would respectfully
 represent that she is possessed of a land in

South Kona, known as the Ahupuaa Kalahiki, which was awarded to her father by the Hon. Board of Land Commission by name only, and not by survey.

And that I am the owner of said land as willed to me by my father.

Said land is bounded as follows, viz.

On the South side by the Government land of Waiea, owned in part by the Estate of late P. Cummings of Kona, on the north by the land Hookena, owned by Her Ex. R. Keelikolani, on the *mauka* side by the land Keauhou, on the West by the sea.
[Maly and Maly 2004]

In August of 1873, the described boundaries for Kalāhiki were settled upon. What follows is the hearing and testimony of the application by Lumaheihei for the boundaries of Kalāhiki.

**Ahupuaa of Kalahiki
Boundary Commision, Hawaii, Volume A, No. 1; 290-291**

The Ahupuaa of Kalahiki, District of South Kona
Island of Hawaii, 3rd J.C.

On the Sixth day of August A.D. 1873 the Commissioner of Boundaries for the 3rd J.C. met at the house of Moses Barrett, Keopuka, South Kona for the hearing of the application of W.K. Lumaheihei, for the settlement of the boundaries of Kalahiki, South Kona, Hawaii.

Notice of the hearing of applications for the settlement of boundaries of lands in North and South Kona, having been published in the Hawaiian Gazette and Kuokoa, to be held August 2nd A.D. 1873 and due notice personally served on owners and agents of adjoining lands as far as known.

Present: Mr. W. Lumaheihei for applicant and J.G. Hoapili for Hawaiian Government, her Excellency, R. Keelikolani and others;;
Paea for self, Royal patent No. 1586, filed
For boundaries of a portion of Waiea.
For Petition see Folio 222

Testimony

Paea^k Swoorn

I was born at Kalahiki, south Kona, Hawaii at the time of Kui wai o kae Lae [ca. 1772]; have always lived either on Kalahiki or Waiea. Am a

kamaaina of the former land, and know part of the boundaries. Kalahiki is bounded on the North side by Kauhako, the boundary at sea shore between Kalahiki and Kauhako is at a sharp ridge or point of rocks in the sea, Lae o Maui. (Clark' land is on top of the pali) Thence along his land to above the *mauka* Government road; the line runs along Clark's wall to the *makai* side of the Government road, the *mauka* corner of his land is at Puuhau [Pūhau] where cocoanut trees and *Lauhala* are growing.

I do not know the boundaries above this point. Nahua, Mahu, Nuhi (now dead) the former *konohiki* of Kalahiki, told me the boundary between that land and Kauhako was an *iwi aina*[land wall], and those men were *kamaaina* of the land (Kaheana bought a piece of Kauhako [page 290] which extends into the woods, I think Poli now has the deed). The boundary runs into and through the woods to the mountain in an *awaawa*.

I have heard the *awaawa* is on Kalahiki and that Kauhako runs on top of the North bank of said *awaawa* to the *koa* woods where Hookena cuts it off and bounds the land of Kalahiki, into the *mamani*, and on the *mauka* side of the *mamani* Hookena is cut off by Keauhou.

Pohokinikini is the name of two water holes on Waiea, where Cummings land ends and my lands bound Kalahiki from there to the sea shore. The sea bounds it on the *makai* side and the land has Ancient fishing rights extending out to sea.

From the *mauka* corner of my land on Waiea, the boundary between Kalahiki and Waiea runs from Pohokinikini to *Kauhale manu* where bird catchers used to live (I was formerly a bird catcher). Thence the boundary runs to Kumumamaki, a water hole; thence to Kalahikiola, a hill covered with trees at the lower edge of the *Koa* woods; thence to Kaloi, a water hole; thence to Napalikui; the road runs up the boundary between these two lands; thence to Naunu, an *oioina* [trailside place] in the *koa*; thence to Kaulakukui (*punawai*) a round water hole; thence to a *koa* tree called Kailiulaula; thence to above the upper edge of the woods; to a place called Kanupa; a cave where natives used to sleep; thence to *Ahua aa* [an *aa* hillock] above a good part of the *mamani*, and

where Waiea, Kalahiki and Keauhou join.
 I know these boundaries between Kalahiki
 And Waiea, as I have been there with the old *kamaaina*.
 (Maly and Maly 2004)

After the building of roads throughout Hawai'i Island it was much easier for tourists to visit. H.W. Kinney published a visitor's guide to Hawai'i Island in 1913. In this guide, Kinney describes traditional practices, historical accounts, and land features that one may encounter around the island. Kinney describes traveling from Ho'okena south to Kalāhiki:

A fair trail leads through KEALIA, a pretty village which is practically a suburb to HOOKENA, a steamer landing place, which was once a village of much importance, but which is now being abandoned by the population, which is Hawaiian. Near the wharf was a place famous in ancient days for the playing of a game with *pupu* shells. In the great cliff south of the village are several caves, some of them still floored with sand, where *tapa* makers piled their trade. A very poor trail leads *makai* of this cliff to the KALAHIKI village, a small settlement on the south side of the bay, which may also be reached by a better trail on top of the bluff. Here are traces of a four terrace *heiau*. Beyond this there is no practicable trail leading south. (Kinney in Maly and Maly 2001:38)

By 1919, L.L. McCandless began ranching operations in South Kona. McCandless Ranch incorporated a vast area both *mauka* and *makai* of Māmalahoa Highway within several *ahupua'a*, and included most of Kalāhiki Ahupua'a. The general area in which the current study parcel is located was used by the ranch as free-range pasture, as the McCandless Ranch operation was primarily focused on trapping "wild cattle" which had proliferated on the land. The fee-simple parcels along the Kalāhiki coastline, which collectively formed the "village" described by Kinney in 1913 had but a couple of Hawaiian families resident in the 1930s, and by the 1940s, these residences were no longer occupied on a year-round basis.

Previous Archaeological Research

No previous archaeological studies have been conducted within the current study parcel. Archaeological studies conducted within Kalāhiki Ahupua'a are limited to brief inspections by Stokes (Stokes and Dye 1991), Borthwick and Hammatt (1990), Reinecke (1930), and most recently by The U.S. Department of Fish and Wildlife (Raymond and Valentine 2007). The current study parcel is located within State Site Complex 50-10-56-4200. The complex is described as including cave burials (Palianihi Cliff), Kahauwawaka Heiau, and numerous other features including enclosures along the coast. The description of the complex between Kanekaukii point and Puiwa point is of relevance to the current study. The description characterized the area as "a wide flat lying seaward of a low cliff" and "the most striking thing about the complex is the network of walled enclosures" which "were most likely kuleanas". The coastal portion of this complex was first noted by Reinecke in 1930.

The first mention of archaeological resources in Kalāhiki Ahupua'a comes from Stokes (Stokes and Dye 1991). John Stokes worked for the Bishop museum beginning in 1899 managing the museums library and assisting in superintending the collections. In 1906 Stokes came to the Island of Hawai'i and began recording *heiau* and documenting native stories and/or traditions associated with them. He recorded two *heiau* in Kalāhiki Ahupua'a:

Heiau of Kahauwawaka, land of Kalahiki, South Kona. Located east of and adjoining the upper government road...This is a low platform *heiau* crowning a prominence. The eastern side is 125 feet long and runs almost due north-south. On the north and south, the lines can be traced for 60 feet, but the western side is gone.

Heiau of Hekilinui, land of Kalahiki, South Kona. Located 250 feet to the west of and below the upper government road...Only the site was found. The lines were definite enough to measure. (Stokes and Dye 1991: 110)

During John Reinecke's survey of archaeological sites within West Hawai'i he briefly reported on the *ahupua'a* of Kalāhiki (Reinecke 1930). Although his recordation of other areas in West Hawai'i was substantial, when he entered Kalāhiki Ahupua'a he did not study it "with nearly the thoroughness which it deserved" (Reinecke 1930:163). He reports that along the coast there were a "series of yards with well-built walls which, with the church, indicate a considerable population within recent times" (Reinecke 1930:163). He did not count the yards but states that at least half of them exhibited signs of being house sites. The northern portion of Kalāhiki Ahupua'a containing Palianihi, which extends into Kauhako Ahupua'a, was reported as being used for burials due to the large number of caves within the *pali*. He goes on to describe the central portion of the *ahupua'a* as having walls and pens with paved trails extending *mauka* as well as other trails that were not paved. The southern portion of the *ahupua'a* was said to house a windmill at the Waiea Ahupua'a boundary, remains of house platforms, and a "ruined papamu" (Reinecke 1930:164).

In 1990, Cultural Surveys Hawaii conducted an archaeological reconnaissance of a .21 acre parcel in Kalāhiki Ahupua'a. This parcel (TMK: 3-8-6-14:7) is located south of the current study parcel (see Figure 2) and was a *kuleana* house lot awarded to Kamailohi as LCAw. 7184:1. Their study parcel was bounded on four sides by stacked rock walls that ranged in height from 0.5 to 1.0 meter. The walls were mostly collapsed and were in overall fair condition. The interior of the parcel contained a light scatter of coral, midden, and Historic Period artifacts. Two waterworn boulders were observed along the southern side of the lot and it was suggested that they may have functioned as grinding stones. The stone walls present on their study parcel coincided with the *kuleana* house lot awarded to Kamailohi, which was once one of many enclosed house lots located along the Kalāhiki coast. Their study parcel and associated *kuleana* house lot features were located in the boundaries of State Site Complex 50-10-56-4200 and therefore were considered a part of the overall Site Complex.

In 2007, the U.S. Fish and Wildlife Services (USFWS) conducted a cultural inventory survey in the *mauka* portion of Kalāhiki and Ho'okena *ahupua'a* beginning roughly at the 1,800 foot elevation contour line and extending to the *mauka* end of the *ahupua'a* at the 6,000 foot elevation contour (Raymond and Valentine 2007). This area encompasses the Kona Forest Unit of the Big Island National Wildlife Refuge Complex. The survey consisted of walking a proposed fence line along the boundary of the Kona Forest Unit, as well as two cross fence lines between the north and south boundaries. The purpose of the fence was to keep ungulates out of the forest. As a result of the survey, USFWS located three cairn, three recent logging work sites, one of which is associated with a plot of feral taro, four caves, a complex of modern water tanks, a trail, a logging road, and a road along the Kalāhiki and Waiea boundary. Only three of these sites (the logging area, the logging road, and the road along the Kalāhiki and Waiea boundary) coincided with the proposed fence line. These three sites did not qualify as Historic sites. The other sites were located near the fence line, by not in the direct path, and therefore were not evaluated.

Multiple archaeological studies have been conducted within the broader South Kona region, and offer insight into the settlement pattern of South Kona as well as examples of archaeological resources that may occur within the current project area. Because of the limited nature of archaeological studies within Kalāhiki and the neighboring *ahupua'a*, selected archaeological reports from *ahupua'a* north and south of the current study area have been examined with information on the coastal portions of these reports being the focus. To the south of Kalāhiki, the *ahupua'a* of 'Opihihale 1st and 2nd have been the focus of many studies. In the coastal portion of 'Opihihale 1st and 2nd, archaeological features represent both the Precontact and Historic Periods, and include; trail networks extending north/south through the *ahupua'a* as well *mauka/makai* trails linking the uplands with the coast; a Precontact burial/ habitation complex; a quarry and ceremonial feature (Allen and Rechtman 2003); temporary habitations including a cave shelter used through to the Historic Period (Allen and Rechtman 2003, and Bonk 1981); and a Historic Period enclosure (Bonk 1981). In the coastal portion of Kukuiope'e 2nd Ahupua'a, located north of 'Opihihale 1st and 2nd we find Historic Period core-filled walls, Historic roads, as well as a Precontact trail, two Precontact/Historic habitation complexes and two Precontact habitation complexes (Ketner and Rechtman 2007). Ahupua'a located north of Kalāhiki Ahupua'a exhibit similar patterns of settlement and land use, although more Historic Period features are present.

Kauleolī is four *ahupua‘a* to the north of Kalāhiki. Coastal archaeological resources there include Precontact temporary habitations and agricultural features, Historic homesteads, ranching related features with associated roads, and intensive Historic Period salt manufacturing features (Rechtman and Clark 2002a). Ke‘ei Ahupua‘a is located north of Kauleolī Ahupua‘a and the coastal portion of this *ahupua‘a* has been intensely investigated. Archaeological resources located in the coastal portion of Ke‘ei Ahupua‘a include core-filled walls and Historic Homesteads (Rechtman and Clark 2002b), Precontact habitation platforms, Historic Period enclosures, burial platforms, habitation caves, agricultural features (rock mounds), and steppingstone trails (Soehren 1968; 1980a and b, Ching 1971, McEldowney 1979, Nishiyama and Bonk 1970, Nishiyama and Lothian 1972, and Palama and Silva 1975).

AHUPUA‘A SETTLEMENT PATTERNS AND PROJECT AREA EXPECTATIONS

A limited amount of archaeological study has taken place within Kalāhiki Ahupua‘a. Reinecke (1930:163) noted along the coast, “yards with well-built walls” with at least half of them exhibiting signs of being house sites. This correlates to the LCAw. information in which there were at least sixteen house lots along the Kalāhiki coast, with the earliest house lots received in 1819. The current study parcel was a house lot awarded to Auae in 1847 as LCAw. 9746C. Based on this information it is likely that a walled enclosure is present on the study parcel that functioned as a house lot. Information pertaining to Precontact settlement along the Kalāhiki coast is limited, but a generalized model inferred from previous coastal archaeological work in the broader South Kona region shows the possibility of locating Precontact habitation features such as platforms, or agricultural features, such as mounds. In the Palianihi, located at the northern end of Kalāhiki, Reinecke noted caves in which Precontact burials were located. Although the *pali* does not extend into the project area, other Precontact burial features that may be present include burial platforms, and/or filled cracks in the *pāhoehoe* lava. Historic Period features that may be present on the study parcel include features relating to Auae’s use and may include possible residential, agricultural, and burial features.

ARCHAEOLOGICAL FIELDWORK

Fieldwork for the current project was conducted on November 1 and 2, 2007 by Matthew R. Clark, B.A., Ashton K. Dircks, B.A., Johnny R. Dudoit, B.A., and Michael K. Vitousek B.A., under the supervision of Robert B. Rechtman, Ph.D.

Methods

The survey strategy included a visual inspection of the entire study area utilizing east/west pedestrian transects with fieldworkers spaced at 3 meter intervals. The corners of the study parcel were clearly marked in the field with survey markers (pipe or nail in concrete) as was the driveway corridor. Although the vegetation was fairly dense in the eastern portion of the study parcel, fieldworkers adequately identified all archaeological features. Observed archaeological features were placed on a scaled map of the property using a tape and compass, tying them into the known corner points of the study parcel. The features were then cleared of vegetation, recorded in detail, and photographed. Two test units were excavated within the study parcel.

Excavation of the test units proceeded following natural stratigraphic layers. Where applicable, the layers were excavated in arbitrary 10-centimeter levels. All recovered soil matrix was passed through 1/4-inch mesh screen, and all recovered cultural material was remanded to the laboratory for detailed analysis. Level record forms, filled out for each level of each layer in each unit, were used to record soil descriptions, Munsell color notations, cultural constituents collected, and a general description of the level. Upon completion of a unit, photographs were taken, a profile drawing was prepared, and the unit was backfilled as close to its original specifications as possible.

Recovered cultural material was processed at the Rechtman Consulting, LLC laboratory facility and is currently curated at that location as well. A large amount of marine shell was collected from the two test units and was examined for angular fractures. Only marine shells that exhibited angular fractures were accessioned. This is a subjective way at distinguishing between food items and non-food items (waterworn beach shell). All of the recovered cultural material was first washed, and then separated by level within individual units into material classes, and then further separated by species or type (to the lowest taxonomic level possible). An accession number (Acc. #) was sequentially assigned to each group of related items; and the material encompassed by an individual accession number was quantified by the number of identified specimens (NISP), weighed, and when applicable considered for the minimum number of individuals (MNI) present. The findings of the inventory survey along with detailed descriptions of the encountered archaeological resources and the results of subsurface testing are presented below.

Findings

As a result of the current inventory survey, a *kuleana* house lot awarded to Auae in 1847 (LCAw. 9746) was recorded. The house lot falls within the boundaries of State Site Complex 50-10-56-4200. The house lot is set back from the ocean approximately 50 meters by a *pāhoehoe* coastal shelf. This uninhabited coastal shelf contains many pecked basins (see Figure 3). Storm surf occurring over the course of many years has created a waterworn cobble and coral berm on the *makai* side of the study parcel (Figure 8), and scattered this same material over the study parcel's ground surface affecting the archaeological integrity of the *kuleana* house lot. A detailed description of the remaining surface features of the *kuleana* house lot are provided below and depicted in Figure 9. No archaeological resources were identified in the proposed driveway alignment.



Figure 8. Waterworn coral and cobble berm, view to the east.

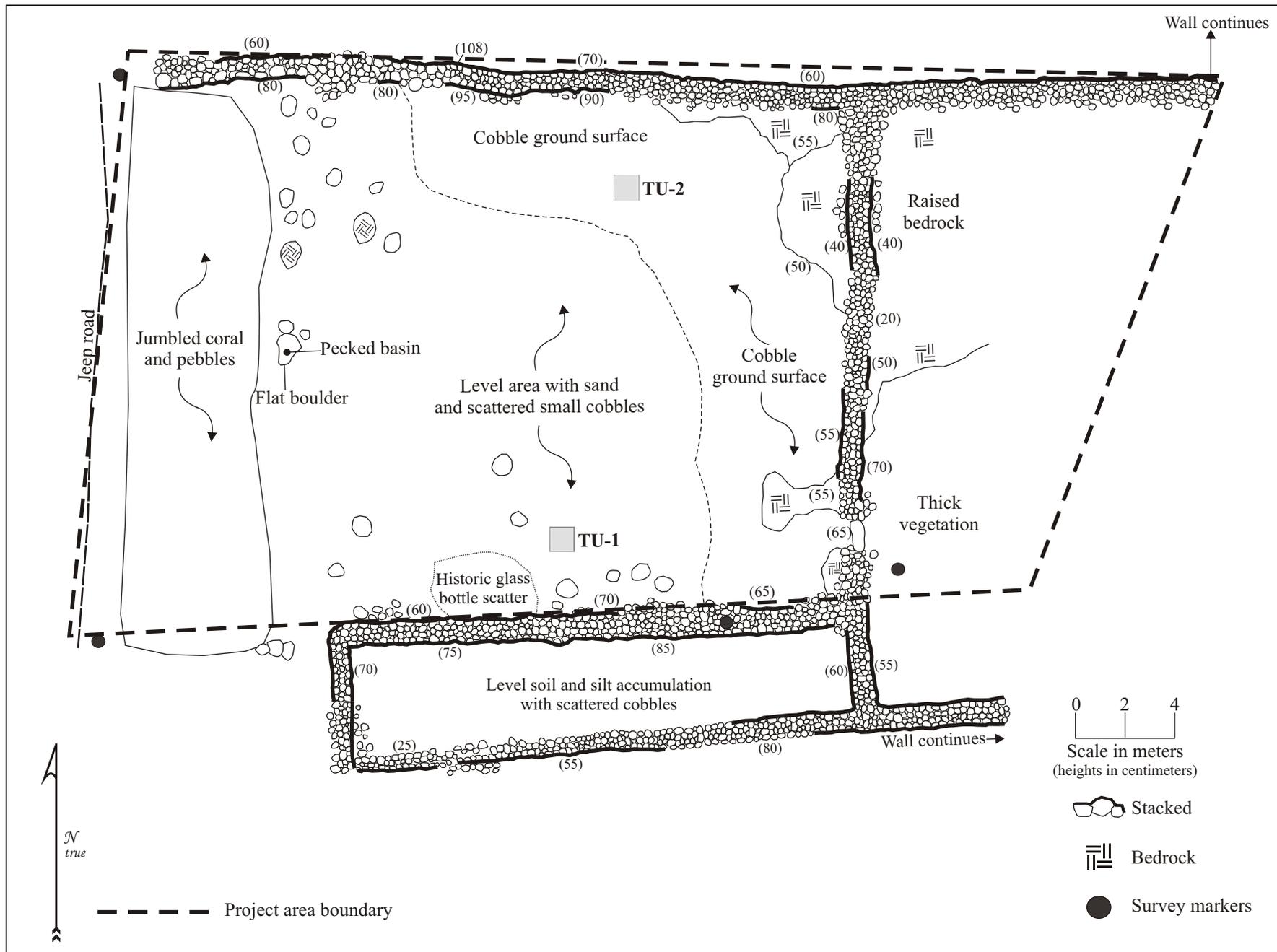


Figure 9. Project area plan view

State Site Complex 50-10-56-4200
LCAw. 9746

The current study parcel is a *kuleana* house lot awarded to Auae in 1847 (LCAw. 9746) and is part State Site Complex 50-10-56-4200 (Figure 9). Archaeological surface features existing on the study parcel include three formerly stacked core-filled walls that are now mostly collapsed (Figure 10). There is no wall on the *makai* side of the study parcel. All three walls measure 1 meter wide. The northern wall follows the north boundary of the study parcel and measures 33 meters long. It stands 60 to 108 centimeters in height on the exterior and 80 to 95 centimeters in height on the interior. At the eastern terminus of the project area, the wall turns north and continues out of the study parcel for an undetermined distance. The eastern wall measures 20 meters long and is set back 11 meters west of the northeast parcel boundary and 4.5 meters west of the southeast parcel boundary. It stands 20 to 70 centimeters in height on the exterior and 40 to 65 centimeters in height on the interior. This wall appears to have been constructed at the same time as the northern and southern walls. The southern wall measures 21.5 meters long, standing 75 to 85 centimeters in height on the exterior and 60 to 70 centimeters in height on the interior.

The ground surface enclosed by the three walls is fairly level and transitions from waterworn cobbles and coral on the *makai* side, to beach sand, marine shell, and scattered cobbles in the middle, to exposed bedrock, angular cobbles, and dense vegetation on the *mauka* side. An enclosure extends south off the southern wall of LCAw. 9746 and is outside of the study parcel. This enclosure utilizes the southern wall of LCAw. 9746 as its north wall. There are no points of entry in this enclosure. It appears to have been built at the same time as the walls within the study parcel.

Cultural material observed on the ground surface of the study parcel includes a scatter of early to middle twentieth century bottle glass (Figure 11) and a large pecked boulder. The boulder is located in the west-central portion of the study parcel. It measures 100 centimeters by 60 centimeters and stands 30 to 50 centimeters in height. The surface contains a pecked basin measuring 15 centimeters by 15 centimeters and 2 centimeters deep (Figure 12). The function of this boulder is unknown, but appears to have been purposely placed in its current position.

Although the ground surface and underlying strata within the study parcel has been altered by ocean surf, an attempt at identifying a subsurface cultural deposit was made. Two Test Units (TU-1 and TU-2) were placed within the enclosed space of LCAw. 9746.

TU-1 was placed in the south central portion of LCAw. 9746 and measured 1 meter by 1 meter (see Figure 9). The surface of the unit consisted of scattered cobbles, beach sand, a modern plastic water bottle cap, and a “Primo” beer bottle. Excavation of TU-1 revealed a single stratigraphic layer. Layer I Levels 1-3 consisted of very dark gray (2.5Y 3/1) sand (white and black granules mixed) with waterworn pebbles and cobbles. Layer I Levels 4-7 consisted of black (7.5YR 2.5/1) sand with angular *pāhoehoe* cobbles and gravels (Figure 13). Coral, waterworn cobbles, and marine shell increased with depth while the amount of sand decreased. All recovered cultural material is listed in Table 2 (waterworn coral was not collected). Excavation ended when a culturally sterile beach deposit was encountered (see Figure 13).

TU-2 was placed in the northeastern corner of LCAw. 9746 and measured 1 meter by 1 meter (see Figure 9). The surface of the unit was relatively flat with a covering of small cobbles. Bedrock was visible on the east side of the unit. Excavation of TU-2 revealed two stratigraphic layers (Figure 14). Layer I consisted of small and medium cobbles. Layer II consisted of 50 percent small cobbles mixed with 50 percent dark brown (7.5YR 3/3) soil. All recovered cultural material is listed in Table 3 (waterworn coral was not collected). Excavation ended at bedrock (see Figure 14).



Figure 10. Southern wall of *kuleana* parcel, view to the south.



Figure 11. Overview of glass bottle scatter.



Figure 12. Large pecked boulder, view to the west.

Table 2. Cultural material recovered from LCAw. 9746 TU-1 Layer I.

| <i>Acc. #</i> | <i>Level</i> | <i>Material</i> | <i>Species/type</i> | <i>Count</i> | <i>MNI</i> | <i>Weight (g)</i> |
|---------------|--------------|-----------------|---------------------|--------------|------------|-------------------|
| 017 | 1 | Ceramic | Porcelain, white | 1 | - | 2.5 |
| 018 | 2 | Ceramic | Whiteware | 1 | - | 7.4 |
| 019 | 2 | Volcanic glass | Flakes | 2 | - | 1.1 |
| 021 | 3 | Mammal bone | <i>Sus</i> sp. | 6 | 1 | 2.7 |
| 023 | 4 | Mammal bone | Unidentified/small | 3 | - | 0.8 |
| 025 | 4 | Fish bone | Scaridae | 1 | 1 | 0.3 |
| 027 | 4 | Mammal bone | Unidentified | 1 | - | 0.8 |
| 028 | 5 | Bottle glass | Patinated fragment | 1 | - | 2.8 |
| 030 | 5 | Basalt | Flake with polish | 1 | - | 4.1 |
| 031 | 7 | Basalt | Flake with polish | 1 | - | 0.7 |

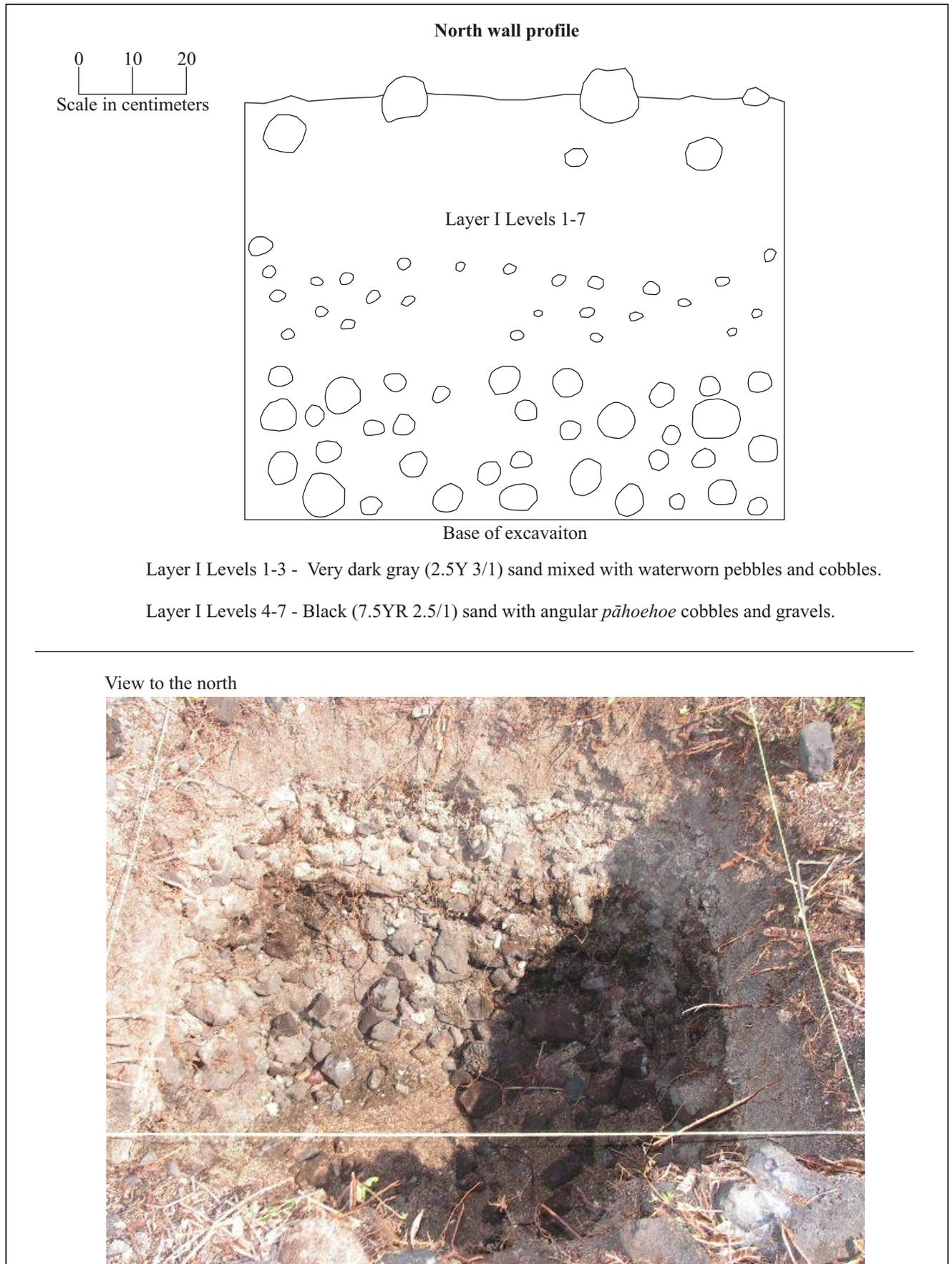


Figure 13. LCAw. 9746 TU-1 north wall profile and photograph.

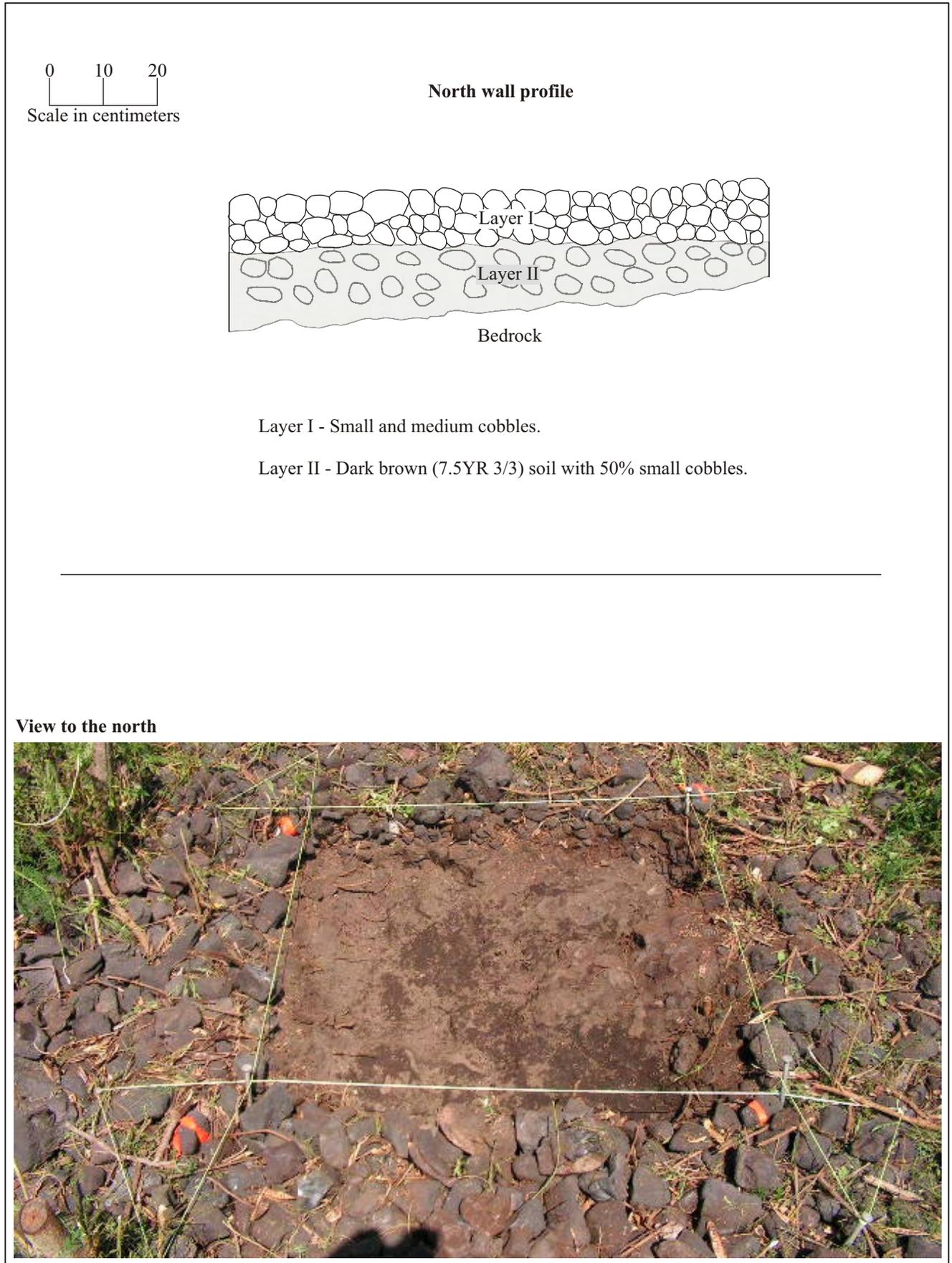


Figure 14. SIHP Site T-1 TU-2 north wall profile and photograph.

Table 3. Cultural material recovered from LCAw. 9746 TU-2.

| <i>Acc. #</i> | <i>Layer</i> | <i>Material</i> | <i>Species/type</i> | <i>Count</i> | <i>MNI</i> | <i>Weight (g)</i> |
|---------------|--------------|-----------------|------------------------------|--------------|------------|-------------------|
| 001 | I | Marine shell | <i>Conus</i> sp. | 2 | 2 | 3.0 |
| 003 | I | Marine shell | <i>Cypraea</i> sp. | 2 | 2 | 9.8 |
| 003 | I | Ceramic | Blue shell edge whiteware | 1 | - | 10.5 |
| 004 | II | Marine shell | <i>Conus</i> sp. | 14 | 9 | 14.7 |
| 005 | II | Echinoderm | Echinoidea | 16 | - | 4.8 |
| 006 | II | Marine shell | <i>Isognomon</i> sp. | 1 | 1 | 0.3 |
| 007 | II | Marine shell | <i>Cellana</i> sp. | 1 | 1 | 0.1 |
| 008 | II | Marine shell | <i>Hipponix pilosus</i> | 2 | 2 | 0.2 |
| 009 | II | Marine shell | Thaididae | 3 | 2 | 0.8 |
| 010 | II | Marine shell | <i>Drupa</i> sp. | 3 | 2 | 3.4 |
| 011 | II | Marine shell | <i>Morula</i> sp. | 2 | 2 | 0.5 |
| 012 | II | Marine shell | <i>Nerita picea</i> | 10 | 8 | 2.9 |
| 013 | II | Marine shell | <i>Cypraea</i> sp. | 27 | 9 | 34.0 |
| 014 | II | Mammal bone | <i>Sus</i> sp. | 6 | 1 | 3.4 |
| 015 | II | Bone | Unidentified | 1 | - | 0.5 |
| 016 | II | Marine shell | Unidentified | 31 | - | 34.5 |

The cultural material recovered from TU-1 and 2 is consistent with a Historic Period occupation of the study parcel. The study parcel was Auae's house lot, which he received from Kahimahauna in 1847. The shell edge whiteware recovered from TU-2 was common between 1830 and 1860 and corresponds to the time period in which Auae would have been residing at the study parcel. Other household items recovered from the test units include fragments of whiteware and porcelain tableware. Food remains include pig, fish, and various edible marine invertebrates. Historic cultural material recovered from the test units and the presence of core-filled walls that conform to the *kuleana* house lot boundaries date occupation of the study parcel to the Historic Period. The presence of basalt flakes with polish suggests that production, use, and/or re-sharpening of adzes also took place. Adzes, which are primarily Precontact tools, were likely also used through and during the early Historic Period.

Summary

As a result of the archaeological fieldwork a *kuleana* house lot (LCAw. 9746) was recoded and is identified as part of a larger State Site Complex (50-10-56-4200). LCAw. 9746 represents the remains of a *kuleana* house lot awarded to Auae in 1847. Core-filled walls and a pecked boulder were the only surface features present on the study parcel. Subsurface testing revealed middle nineteenth century artifacts of European manufacture, basalt tool production or use, and a small amount of marine and faunal food remains.

SUMMARY OF CONSULTATION

As part of the current assessment study interviews were conducted with three individuals (Alfred Medeiros; Louis Alani; and Clarence Medeiros Jr.) as well as with a small gathering of community members tied to an organization called Kama‘āina United to Protect the ‘Āina (KUPA). These interviews were conducted by Robert B. Rechtman, Ph.D. with assistance from Herbert Poepoe B.A. The interviews were informal in nature, meaning that they were not recorded nor transcribed. Interviewees were asked about their relationship to and knowledge of the current study area, about any past and/or on-going cultural practices that took/take place within and around the current study area, and about any cultural impacts that might result from the construction of a single-family residence on the subject parcel.

Alfred Medeiros Jr.

Alfred Medeiros Jr. was born at Kealakekua in 1927. He is of Hawaiian-Portuguese ancestry. His mother, Mary Kalani, was descended from native families of the Kealakekua-Ka‘awaloa vicinity. His father Alfred Medeiros Sr. worked for the Henry Greenwell Ranch until 1936, when he moved his family to the McCandless Ranch. Beginning at nine years old, Alfred lived at Honokua, and he began traveling (and eventually working) the lands of the McCandless Ranch. He started working on the ranch in 1941, and as a result of his years of work and his understanding of the unique South Kona ranching operations and lands, by the mid 1950s, he was appointed ranch foreman. He retired from his job as foreman in 1989. Alfred spoke with Robert B. Rechtman, Ph.D. and Herbert Poepoe, B.A. at the McCandless Ranch Headquarters in *mauka* Kalāhiki on April 4, 2008.

Alfred was very familiar with the current study area having spent a significant amount of work-related and personal time in the *makai* Kalāhiki portions of the ranch. He related that between 1940 and 1990, he saw very few people in the coastal portions of Kalāhiki. The only person he suggested who more frequently accessed the *makai* lands of Kalāhiki was Poli Alani. Alfred also commented that the large goat herds now present in the area did not arrive there until the 1970s, prior to that time and during his relationship with the land beginning in the late 1930s, there were no goats at Kalāhiki.

Louis “Poli” Alani

Louis “Poli” Alani was born in 1927 of Hawaiian-Chinese ancestry, and lived his entire life in South Kona. Louis was interviewed at his home along Māmalahoa Highway in Kahauko on August 21, 2008 by Robert B. Rechtman, Ph.D. Beginning at around 7 or 8 years old he traveled with his father, either on foot or by donkey, the *mauka/makai* and coastal trails down to and through Kalāhiki. He recalls that a couple of families still lived year round along the Kalāhiki coastline up until the early 1940s, and that these families had graves at the backs of their properties. He also remembers that there was an area on the shore designated for canoes, but never saw any in that area. When asked about his activities there, he explained that they would go and fish using line, as his family could not afford nets; other families however would throw and set nets along the Kalāhiki shore. He also spent a lot of time clearing and burning vegetation from the near shore area to maintain accessibility. When asked why the goats did not eat all the vegetation like they do today, he explained that there were no goats in coastal Kalāhiki until the 1970s. Louis was unaware of any specific resources or associated practices tied to the current study parcel, but did relate that the general coastal Kalāhiki area was a culturally significant place. Louis harbors immense upset toward McCandless Ranch relative to land ownership and access issues.

Clarence Medeiros Jr.

Clarence Medeiros Jr. was born at the Kona Hospital in 1952, to Clarence Arthur (Moku‘ōhai) Medeiros Sr., and Pansy Wiwo‘ole Hua-Medeiros. His family lived at Honokua. Clarence is of Hawaiian-Portuguese ancestry and is not related to Alfred. Clarence spoke with Robert, B. Rechtman, Ph.D. on July 29, 2008 at the beach pavilion at Ho‘okena, and shared volumes of information about his genealogical ties to Kalāhiki

and the cultural practices of his ancestors relative to the coastal portions of the *ahupua'a*. Highlighted among these practices are fishing-related activities, goat hunting, canoe landing and launching, and the use of both shoreline and *mauka/makai* trails. While Clarence did not identify any impacts the construction of a single-family dwelling would have on any specific resources or practices, he did express his concerns about potential archaeological resources (including burials) that might exist within the study area, and about his rights as a cultural practitioner with genealogical ties to the area to hunt goats, fish, land canoes, and have access along the shoreline and the *mauka/makai* trails.

Kama'āina United to Protect the 'Āina (KUPA)

As their mission statement provides, KUPA is a non-profit corporation organized exclusively for the educational, charitable, and scientific purposes to preserve and protect the land, water, and other natural resources in South Kona for housing, economic development, cultural, and religious needs. On July 29, 2008 several members of KUPA, led primarily by Mr. Dennis Hart met with Robert B. Rechtman, Ph.D. at Ho'okena Beach Park. Collectively, they expressed two main concerns relative to the proposed construction, 1) that they did not want to see a vacation rental or a bed-and-breakfast built on the parcel; and 2) that the proposed development would not interfere with the use of a pedestrian trail on the *makai* side of the parcel. During this meeting it was explained to the group that the Conservation District rules prohibit the construction of a vacation rental or bed-and-breakfast, and it is the landowners' intention to build a single-family residence for their personal use. It was also explained that the parcel will be accessed from the *mauka* side and that the *makai* trail will not be physically impacted, nor will the landowners' affect the use of this trail. While receptive to this information the assembled group expressed their skepticism.

SIGNIFICANCE EVALUATION, TREATMENT RECOMMENDATIONS, AND IDENTIFICATION OF POTENTIAL CULTURAL IMPACTS

The above-described archaeological site is assessed for its significance based on criteria established and promoted by the DLNR-SHPD and contained in the Hawai'i Administrative Rules 13§13-284-6. This significance evaluation should be considered as preliminary until DLNR-SHPD provides concurrence. For a resource to be considered significant it 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 traditional cultural value to the native Hawaiian people or to another ethnic group of the state due to associations with traditional cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.

LCAw. 9746 was a *kuleana* house lot occupied during the Historic Period and is considered significant under Criterion D for the information it has yielded relative to *kuleana* land use. It is argued that information collected during the current inventory survey has been adequate to successfully mitigate any potential impacts to this site resulting from the proposed development of TMK:3-8-6-14:12.

Additionally, The Office of Environmental Quality Control (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 natural features of the landscape and historic sites, including traditional cultural properties. A working definition of Traditional Cultural Property is as follows:

“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 of Traditional Cultural Properties, this study will adopt the above-cited state criteria for evaluating the significance of historic properties, of which Traditional Cultural Properties are a subset.

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 mitigation actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

The archaeological site that was recorded as a result of the current study is considered a significant historic property, but not a Traditional Cultural Property. In fact there were no Traditional Cultural Properties, valued natural resources, or cultural beliefs and practices identified to be specifically associated with the current study parcel. As a result of the archival review and the consultation process, there were several potential cultural properties and associated practices identified for the general area, but none of these will be impacted by the construction of a single-family residence on this *kuleana* parcel, a parcel which was awarded as a residential house lot during the *Māhele*.

The proposed use of this parcel for a single-family residence raises an interesting point of some relevance. One possible cultural practice potentially associated with this or any *kuleana* parcel for that matter is the practice of building and maintaining a residence on the parcel. It is clear within legal jurisdiction that the use of a *kuleana* lot for residential purposes is considered an acceptable use, and a permitted one, even within the otherwise highly restrictive Conservation District. As Jocelyn Garovoy explains:

In the Conservation District, *kuleana* come under the jurisdiction of the state Department of Land and Natural Resources (“DLNR”). The *kuleana* lots in areas zoned for Conservation have an associated right to build a house if it can be shown that the parcel was customarily used as a house lot. Hawaii law provides that: “[a]ny land identified as a *kuleana* may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, the construction of a single family residence” [Hawai‘i Revised Statute §183C-5] (Garovoy 2005:544)

The established legal rights associated with *kuleana* parcels are based on Hawaiian cultural stewardship values (as documented in the Kuleana Act), which are a significant aspect for defining and maintaining both an individual’s and a community’s cultural identity. When you own a *kuleana* parcel you not only own the fee-simple land you also own the rights and responsibilities appurtenant to that land.

These legal rights are transmitted from one *kuleana* owner to the next. For an assessment of cultural practices and rights, the question then is whether cultural practices can be transmitted from one *kuleana* owner to the next, regardless of ethnicity. We believe this is a valid question given Hawai‘i’s long history of multi-ethnic communities and the concomitant cross-cultural blending of practices. As Phenice relates, “Hawaiian islanders come from many different backgrounds . . . [a]ll contribut[ing] to the humanity and social responsibility of Hawaii. Despite outward appearance of difference, the population embodies the social consciousness of the many ethnic peoples of Hawaii” (1999:107). This suggests that a group of adherents to a set of cultural values together form a community of practitioners. As a collective, *kuleana* owners form a group that shares a common set of vested rights and obligations as defined by both Hawaiian cultural values and legal authority.

It is pointed out that *kuleana* were not just awarded to people of Hawaiian ancestry, but were also awarded to people of European and other international ancestry. All of the *kuleana* awardees, Hawaiian or otherwise, were actively engaged in the use of their lands, which were jurisdictionally administered by the Hawaiian Government that established the culturally-based *kuleana* laws. One might then argue that if someone were to be denied the ability to build a single-family residence on a *kuleana* parcel that has been identified as having once had a residence on it, not only would they be denied a legal right they would also be denied a cultural right.

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APPENDIX A—LCAw. Testimony

No. 7027, Kapipaka, Kalahiki, Hawaii, January 24, 1848
N.R. 209v8

[DIAGRAM] [house lot]

The circumference of this lot is 216 feet - that is my house lot claim.

Here is this claim of mine, received from Pahua. In the `ili of Hanaiki are five taro mala, four sweet potato mala and one banana mala.

KAPIPAKA

N.T. 562v8

No. 7027, Kapipaka

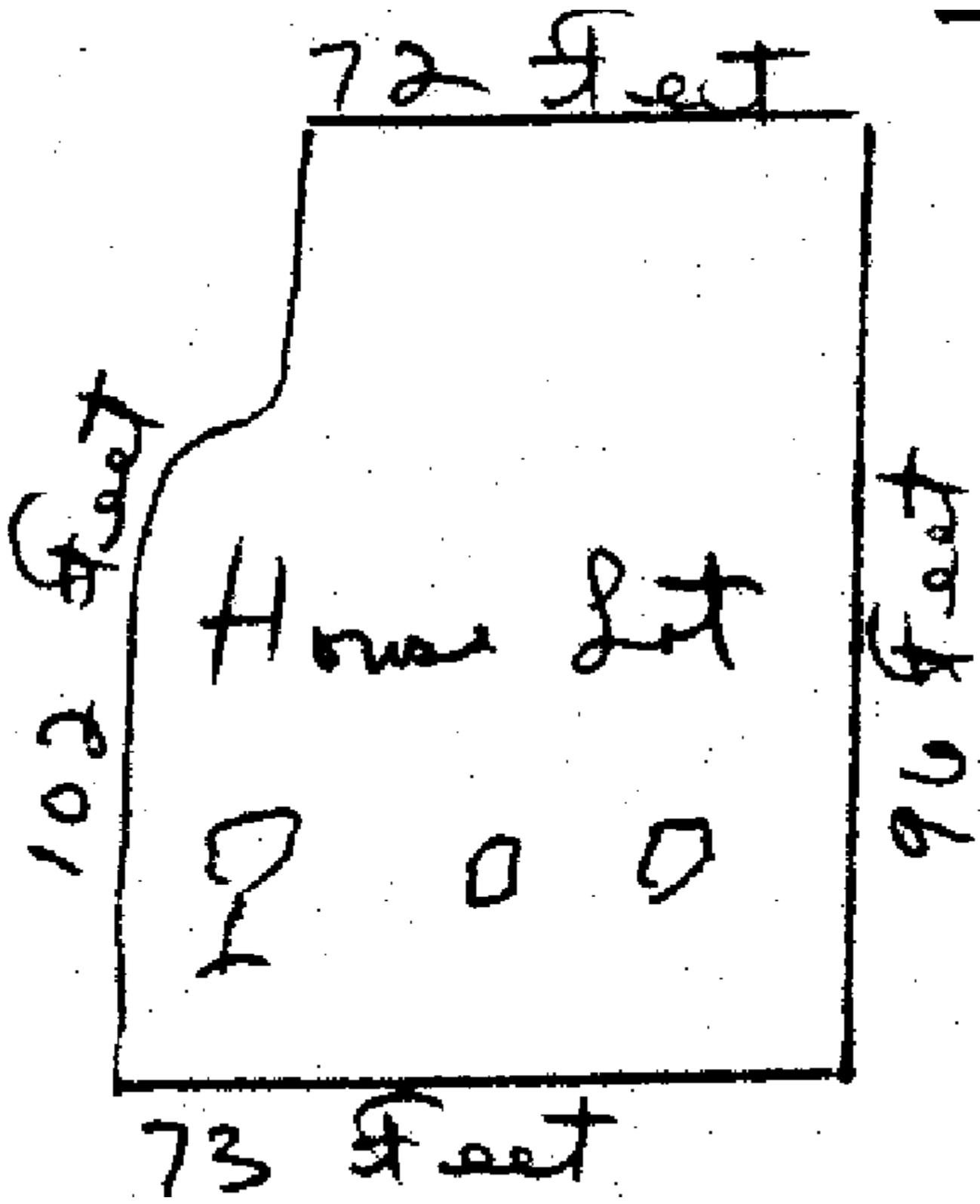
Auae and Keli holomakani, sworn, they have seen:

Section 1 - 4 taro kihapai, 5 potato kihapai in Hanaiki ili of Kalahiki, from Pahua in 1844.

Section 2 - House lot in Manainui ili from Kuluhau in 1839.

No disputes.

[Award 7027; R.P. 2958; Kalahiki S. Kona; 2 ap.; 2.85 Acs]



No. 7184, Kamaiohi
N.R. 243v8

Here is my claim for land, received from Pahua; it is in the kupono of Kapuai. There are 10 mala of taro and 3 of sweet potatoes.

I have another land claim, received from Nuhi, in the `ili of Kapua: 2 mala of bananas, 2 coffee trees, 2 mala of taro.

KAMAILOHI

Kalahiki, Hawaii, January 24, 1848

[Award 7184; R.P. 5277; Kalahiki S. Kona; 2 ap.; 2.7 Acs]

No. 7185, Kaluailama
N.R. 243v8

[DIAGRAM] [house lot]

The circumference of this lot is 378 feet - that is my lot claim. Here also is my claim for land, received from Nuhi. In the 'ili of Puuloa are 5 mala of taro and 1 of sweet potatoes. In the 'ili of Hooneenui are 2 mala of taro. In the 'ili of Puuloa is 1 mala of taro.
KALUAILAMA is the name

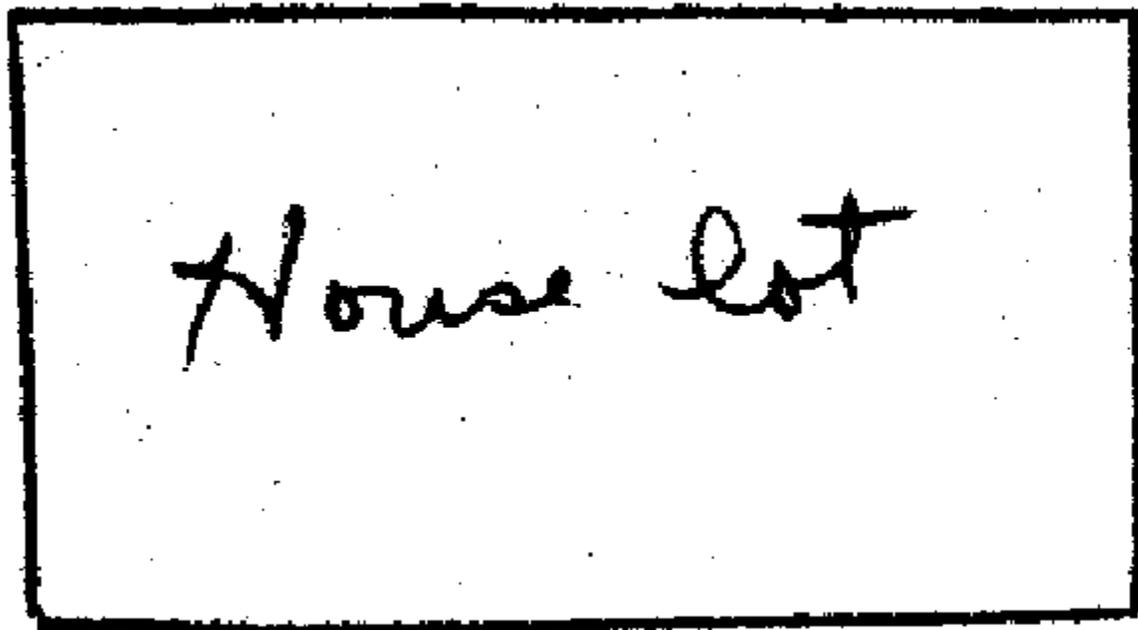
N.T. 562v8
No. 7185, Kaluailama

Auae and Kaoiliokalani, sworn, they have seen:

Section 1 - 9 taro kihapais in Puuloa ili of Kalahiki ahupuaa from Nuhi in 1839.
Section 2 - 2 taro kihapai in Hooneenuu [Hooneenui?] from Pahua in 1844.
Section 3 - House lot in Paeloa ili of Kalahiki, received in 1839.

No disputes.

[Award 7185; R.P. 4812; Kalahiki S. Kona; 1 ap.; 2.3 Acs]



No. 7303, Kawaha
N.R. 258v8

This house lot and the kihapais are for me, Kawaha. One kihapai of taro is in my mo`o. I received it from Pahua. It is at Kalahiki.

[DIAGRAM] [house lot]

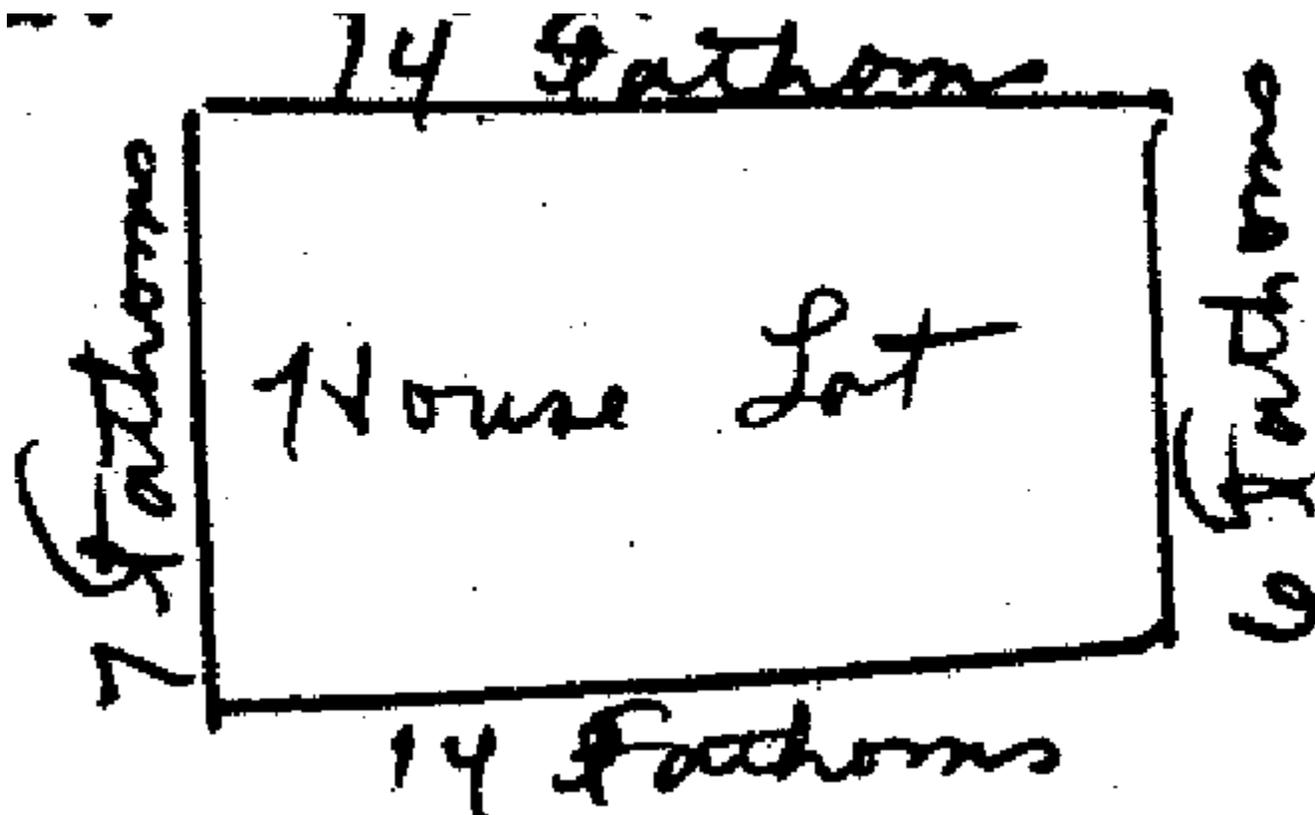
KAUWAHA
Kalahiki, Hawaii, 26 January 1848

N.T. 563v8
No. 7303, Kawaha

Auae and Kaoliokalani, sworn, they have seen:

Section 1 - Haleohe ili in Kalahiki ahuaa from Nuhi in 1839.
Section 2 - 2 kihapais in Ulukaumakani of Kalahiki from Uli in 1819.
Section 3 - House lot in Luailio, Kalahiki in 1819.

[Award 7303; R.P. 3203; Kalahiki S. Kona; 2 ap.; 1.33 Acs]



[No. 7802B], Waipu
N.T. 563v8
[Listed as 7812B!]

Auae and Keliiholomakani, sworn, they have seen:

Section 1 - 4 taro and 4 potato kihapai in Ulukaumakani ili of Kalahiki ahupuaa, from Nahua in 1819.

Section 2 - 4 taro and 4 potato kihapais in Hanaiki ili from Kapipaka in 1840.

Section 3 - House lot in Hanainui ili, Kalahiki ahupuaa from the parents in 1819.

No one objected to Waipu.

[Award 7802B; R.P. 5244; Kalahiki S. Kona; 2 ap.; .62 Ac.]

**No. 9571E, Kapaka
N.T. 573v8**

Kaholoipaka, sworn, he has seen Holuolua write Kapaka's claim.

Keliiholomakani, sworn, he has seen Kapaka's land.

Section 1 - Puuloaiki ili of Kalahiki ahupuaa, from Nuhi in 1840.

Section 2- 4 kihapais in Honaunau ili of Kalahiki, from Pahue in 1840.

Section 3 - House lot in Kapua ili of Kalahiki, from Kamau in 1840.

No one objected.

[Award 9571E; R.P. 5227; Kalahiki S. Kona; 2 ap.; 2.61 Acs]

No. 9571F, Kahoikapu (Kaholoikapu)
N.T. 573-574v8

Kapaka and Keliholomakaini, sworn, they have seen:

Section 1 - Seen his land section in Pahoa ili of Kalahiki ahupuaa, from Nuhi in 1819.

Section 2 - House lot in Luailio ili, Kalahiki ahupuaa, from the parents in 1819.

[Award 9571F; R.P. 2637; Kalahiki S. Kona; 2 ap.; 3.63 Acs]

No. 9572, Kaniniu, Kalahiki, Kau, Hawaii
N.R. 634v8

Hear ye, ye Land Commissioners: I hereby tell you that my house lot is 456 feet in circumference. Here is my land claim in the Haleohe ili. I have 10 kihapai in this ili which I received from Keli holomakani. From Kaoiliokalani I received my 4 kihapai in the ili named Pahao.

KANINIU

N.T. 581v8

No. 9592!, Kaniniu

[should be 9572]

Kanaeole, sworn, he has seen claimant's land.

Section 1 - 8 taro and potato kihapais in Haleole ili in Kalahiki from Keli holomakani in 1819.

Section 2 - 4 taro kihapais in Pahoe ili of Kalahiki from Kaniniu's husband in 1839.

Section 3 - House lot in Kaluailio ili of Kalahiki from the parents in 1819.

Boundaries surrounded by the land of the konohiki.

[Award 9572; R.P. 4953; Kalahiki S. Kona; 2 ap.; 3 Acs]

No. 9574, Namaka, Kalahiki
N.R. 634-635v8

I hereby tell you, O Commissioners to quiet land titles, that my house lot is 343 feet in circumference. My ili of land is in Haleape, which I received from Lahua. It extends from the pali to the forest, that is where my ili ends. I have 11 kihapai in the ili of Kapuainui, received from Pakui.

NAMAKA

N.T. 561v8

No. 9574, Namaka

Keliimakani and Auae, sworn, they have seen his land.

Section 1 - Haleape ili in Kalahiki, from Nuhi in 1839.

Section 2 - 7 taro kihapais in Kapuainui, from Pakui in 1844.

Section 3 - House lot in Kuailio ili from the parents in 1819.

No one objected to him.

[Award 9574; R.P. 5513; Kalahiki S. Kona; 2 ap.; 2.08 Acs]

No. 9575, Kahoouka
N.R. 635v8

I hereby tell you, O Commissioners to quiet land titles, that my house lot is 228 feet in circumference. My ili of land, named Paeloa, was received from Nuhi. It extends from the sea cliffs to the forest. In the ili of Alehiwa, which is named Niukukahi, I have 1 kihapai.

I have a house lot, 1,080 feet in circumference.
KAHOUKUA

N.T. 551v8
No. 9575, Kahoukua

Kaupa and Kawelo, sworn, they have seen his house lot section at Kaapahu, ili of Waiea ahupuaa from Koli in 1820. No objections to him.

[Award 9575; R.P. 6467; Kalahiki S. Kona; 1 ap.; .4 Ac.]

No. 9716, Hoopuhala
N.R. 565v8

I have a house lot, 34 fathoms in circumference. My land claim is in Niukukahi ili, received from Kahue: 1 mala of taro, 2 of sweet potatoes, 1 of bananas. Also, at Kapuai, are 2 mala of taro.
HOOPUHALA

N.T. 573v8

No. 9716, Hoopuhala

Kaholoikapu and Keliiholomakani, sworn, they have seen claimant's land.

Section 1 - Kihapai in Niukukahi ili of Waiea ahupuaa from Kahue in 1840.

Section 2 - Taro kihapai in Kapua ili from Kamilohi in 1839.

Section 3 - House lot in Paeloa ili, Kalahiki ahupuaa, from Kaolelo in 1839. No one disputed.

Boundaries surrounded by the konohiki's land.

[Award 9716; Kalahiki S. Kona; 1 ap.; .17 Ac.; Waiea S. Kona; 1 ap.; 1.4 Acs]

No. 9746, Pakui
N.R. 570v8

1 house lot, 68 fathoms in circumference. My land claim is in Kapuainui ili. 11 kihapai are cultivated.
Also, at Hooneenuu is 1 kihapai of orange trees.
PAKUI

N.T. 563v8
No. 9746, Pakui

Auae and Kaino, sworn, they have seen his land.

Section 1 - Kapuainui ili, Kalahiki from Nihi in 1839.

Section 2 - Orange and potato kihapais in Hooneenuu, Kalahiki from Pahua in 1844.

Section 3 - House lot in Kapua ili from Pahu in 1844.

Title good.

[Award 9746; R.P. 5248; Kalahiki S. Kona; 2 ap.; 2.8 Acs]

No. 9746C, Auae
N.T. 564v8

Oopa and Pahua, sworn, they had seen Holualoa write this claim.

Section 1 - Hanainui ili of Kalahiki from Nuhi in 1819.

Section 2 - House lot in Luailio from Kahimahauna in 1847.

Section 3 - Taro kihapai in Ulukaumakani ili from Nahua in 1846.

No one objected to Auae.

[Award 9746C; R.P. 3676; Kalahiki S. Kona; 2 ap.; 3.7 Acs]

[No. 9746D], Oopa
N.T. 564v8
[Listed as 9746F!]

Auae and Kamailohi, sworn, they had seen Lihikalani write Oopa's land claim.

Section 1 - 3 potato and taro (1) kihapai in Haleohe, Kalahiki ahupuaa, from Kaniniu in 1840.

Section 2 - House lot in Hanainui ili from Oopa's parents in 1819.

Section 3 - Potato kihapai in Hanaiiki from Kapipaka in 1840.

No objections to Oopa.

[Award 9746D; R.P. 5245; Kalahiki S. Kona; 2 ap.; 1.94 Acs]

No. 9746E, Alapae
N.T. 564v8

Pakui and Kaino, sworn, they have seen that this is his land, and Holualoa had written his claim.

Section 1 - 5 taro kihapai in Paeloa ili of Kalahiki ahupuaa from Kaino in 1844.

Section 2 - 4 potato kihapai in Paeloa.

Section 3 - Taro kihapai in Nuikukahi ili of Waiea, (not clear?) from Nahoopuhalu in 184(?).

Section 4 - House lot in Kapua ili of Kalahiki ahupuaa received in 1819.

[Award 9746E; ; R.P. 5237; Kalahiki S. Kona; 2 ap.; 3.25 Acs]

No. 9877B, Puhipau
N.R. 641v8

1 Ili of land, Piahulihuli. 4 kihapai are cultivated.

PUHIPAU

N.T. 523v8

No. 9877B, Puhipau (deceased), Kahaupenu (wahine) Heir, 13 December 1849

No witness: Ili section Piahulihili in Kiilae ahupuaa, from parents in 1819.

No disputes. Land surrounded by the land of the konohiki.

[Award 9877B; R.P. 4737; Kalahiki S. Kona; 2 ap.; 1.17 Acs]

No. 11049, Mikahaka, Kalahiki, Kona, Hawaii
N.R. 609v8

The circumference of my lot is 384 feet - that is my lot claim. My claim for land is in Waiea ahupua`a in Kaapahu ili. Kahue is the head of the land, and I cultivate kihapais. In Kaapahu ili are 2 mala of sweet potatoes and 2 of taro. In Puulaino ili are 3 mala of taro. In Kalahiki ahupua`a, Hooneenui ili is 1 mala of taro. In Puuloa ili are 2 mala of taro.

MIKAHAKA

N.T. 561v8

No. 11049, Mikahaka

Palea and Auae, sworn, they have seen claimant's land.

Section 1 - 3 taro and potato kihapais in Puulaina ili, Waiea ahupuaa, from Palea in 1819.

Section 2 - 4 kihapais in Kaapaahu from Kahue in 1840.

Section 3 - Kihapai in Puuloaiki, Kalahiki ahupuaa, from Kamoku in 1819.

Section 4 - Taro kihapai in Hooneenua ili in Kalahiki, from Pahua.

Section 5 - House lot ili of Kapua, Kalahiki, 1844.

[Award 11049; R.P. 5441; Kalahiki Kona; 1 ap.; .28 Ac.; Waiea S. Kona; 1 ap.; 4.1 Acs]

No. 11050, Pahua, Kalahiki, Kona, Hawaii
N.R. 609v8

The circumference of my lot is 343 feet - that is my land claim. My claim for land is in Hooneenui ili, 5 mala of sweet potatoes and 4 of taro. In Puuloa ili are 2 mala of sweet potatoes and 5 of taro. Here is this claim for mine for the koele kihapais of the kupono: 2 mala of taro in Puuloa ili, and 1 mala of taro in Pahoa ili.

PAHUA

N.T. 562v8

No. 11050, Pahua

Kaino and Mikahaka, sworn, they have seen his ili of Honeenuu in Kalahiki, from Nuhi in 1819.

Section 2 - 5 kihapais in Puuloa iki from Kamoku in 1819.

Section 3 - House lot in ili of Kapua from Kulai in 1819.

Land surrounded by the land of the konohiki.

[Award 11050; R.P. 6552; Kalahiki S. Kona; 2 ap.; 2.22 Acs]

No. 11177, Kuoha
N.T. 574v8

Kapaka and Kaholoikapu, sworn, they had seen Holualoa write Kuoha's claim.

Section 1 - Kaumakani ili, Kalahiki ahupuaa, from Nuhi in 1840.

Section 2 - House lot in Luailio ili in Kalahiki, from the parents in 1819.

Section 3 - 4 potato kihapais in Hanainui ili from Kaanae in 1840.

Section 4 - Orange kihapai in Haleohe, Kalahiki ahupuaa in 1830.

[Award 11177; R.P. 5169; Kalahiki S. Kona; 3 ap.; 2.48 Acs]

ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

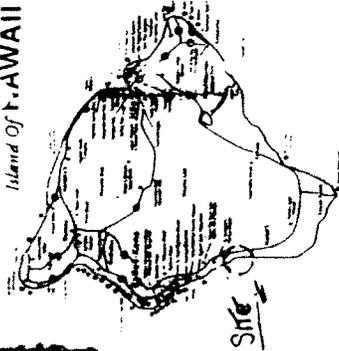
ASSOCIATED IMPROVEMENTS IN THE

CONSERVATION DISTRICT

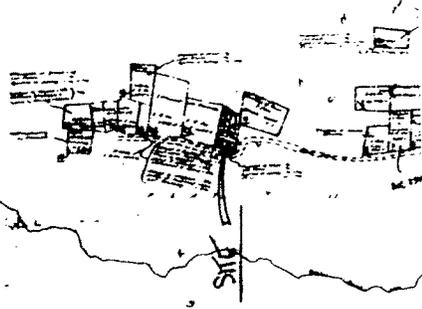
TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai‘i, State of Hawai‘i

APPENDIX 3
Shoreline Survey

SURVEY OFFICE COPY



VICINITY MAP



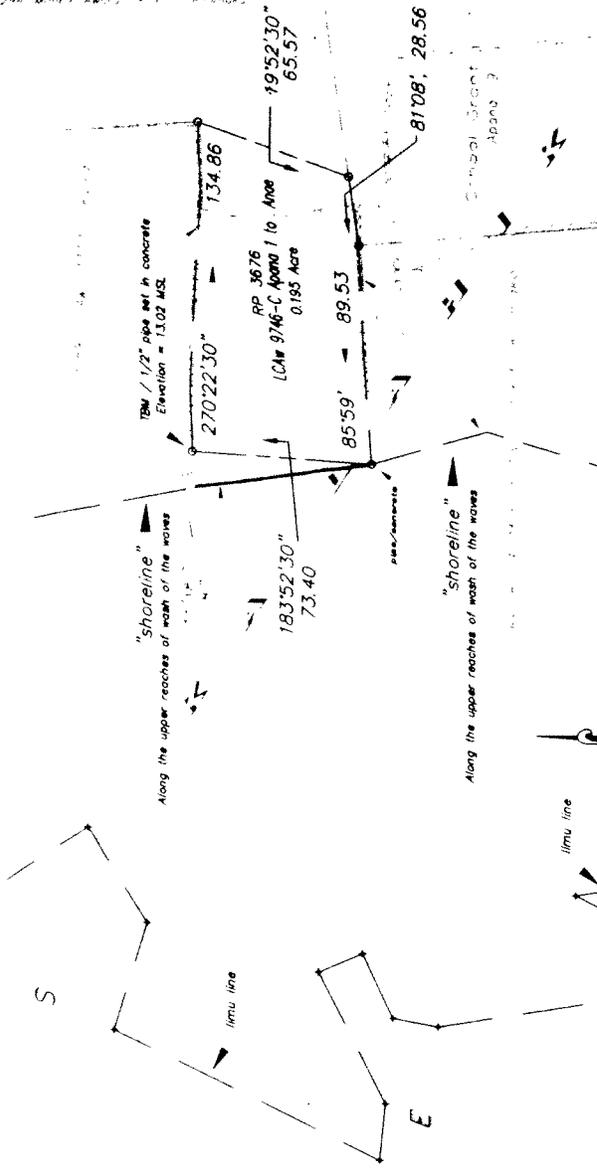
GENERAL LOCATION

NOTE:

McCandless Land and Cattle Company - Owner
 P.O. Box 500
 Hanalei, Hawaii 96726
 Phone: 328-9313

NOTE:

TBM @ NW corner of RP 3676, LCAW 9746-C Apana 1 to Anae is referred to USCGS Station "HOOKENA" having an elevation of 5.00 above MSL



The shoreline as delineated in red is hereby certified as the shoreline as of June 19, 2008

From the office of
JOHN D. WEEKS, INC.
 78-6877 Kamaohoa Highway
 Honolulu, Hawaii 96725



Blaine W. Ito
 Surveyor - No. 3591
 Work done by or under the supervision of the above signed

Chairperson, Board of Land and Natural Resources

PLAN SHOWING

SHORELINE ALONG SEAWARD PORTION OF
 RP 3676, LCAW 9746-C APANA 1 TO ANAE
 AT KALAHIKI, SOUTH KONA, HAWAII

Scale: 1 inch = 50 feet
 Tax Map Key: 8-6-14: 12 Book: 393 Date: October 5, 2007
 Updated and Revised: March 21, 2008
 Date: May 9, 2008

(10" x 15" = 1.04 Sqr')

CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 2nd day of

February 2009

Ad Glenn Kodani
STATE LAND SURVEYOR
STATE OF HAWAII

ENVIRONMENTAL ASSESSMENT

KEITH AND CYNDA UNGER SINGLE FAMILY DWELLING AND

ASSOCIATED IMPROVEMENTS IN THE

CONSERVATION DISTRICT

TMK (3rd): 8-6-014:012 and 8-6-011:003
Kalāhiki, South Kona, County of Hawai'i, State of Hawai'i

APPENDIX 4

Blueprint Figures

| REVISIONS | BY |
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PROPOSED RESIDENCE FOR:
 MR AND MRS KEITH UNGER: AT: KALAHIKI, SOUTH KONA
 TAX MAP KEY: 8-6-14-12

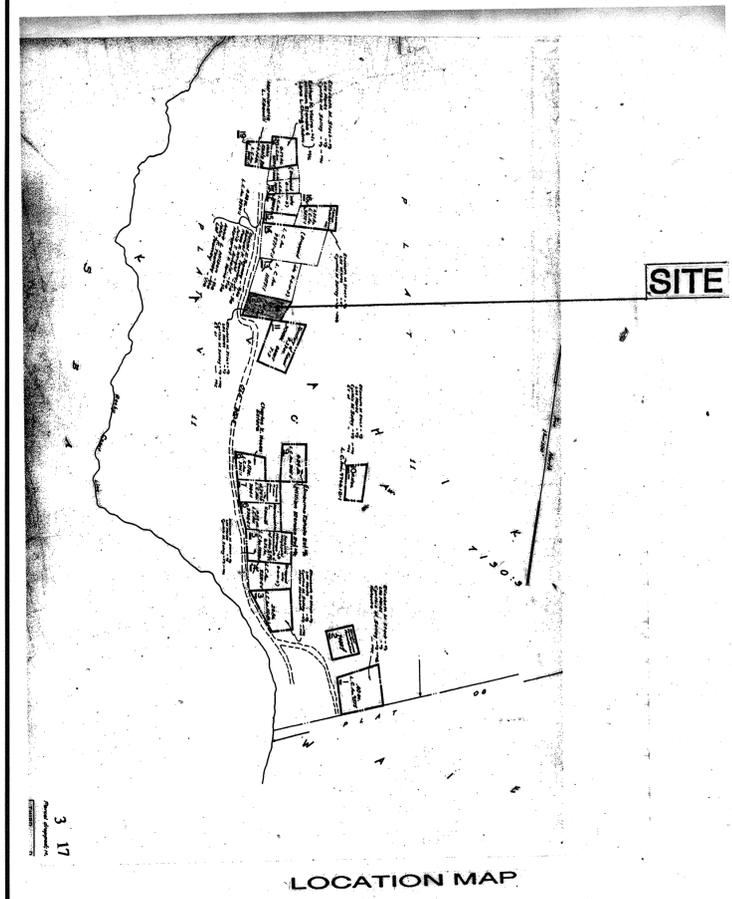
SHEET INDEX

| SHEET | TITLE |
|-------|---|
| 1 | SITE PLAN NOTES |
| 1A | SITE PLAN WITH LANDSCAPE |
| 2 | FLOOR PLAN DOOR & WINDOW SCHEDULE INTERIOR ELEVATION |
| 3 | EXTERIOR ELEVATION |
| 4 | FOUNDATION PLAN SECTIONS DETAILS |
| 5 | ROOF FRAMING ELECTRICAL PLAN |

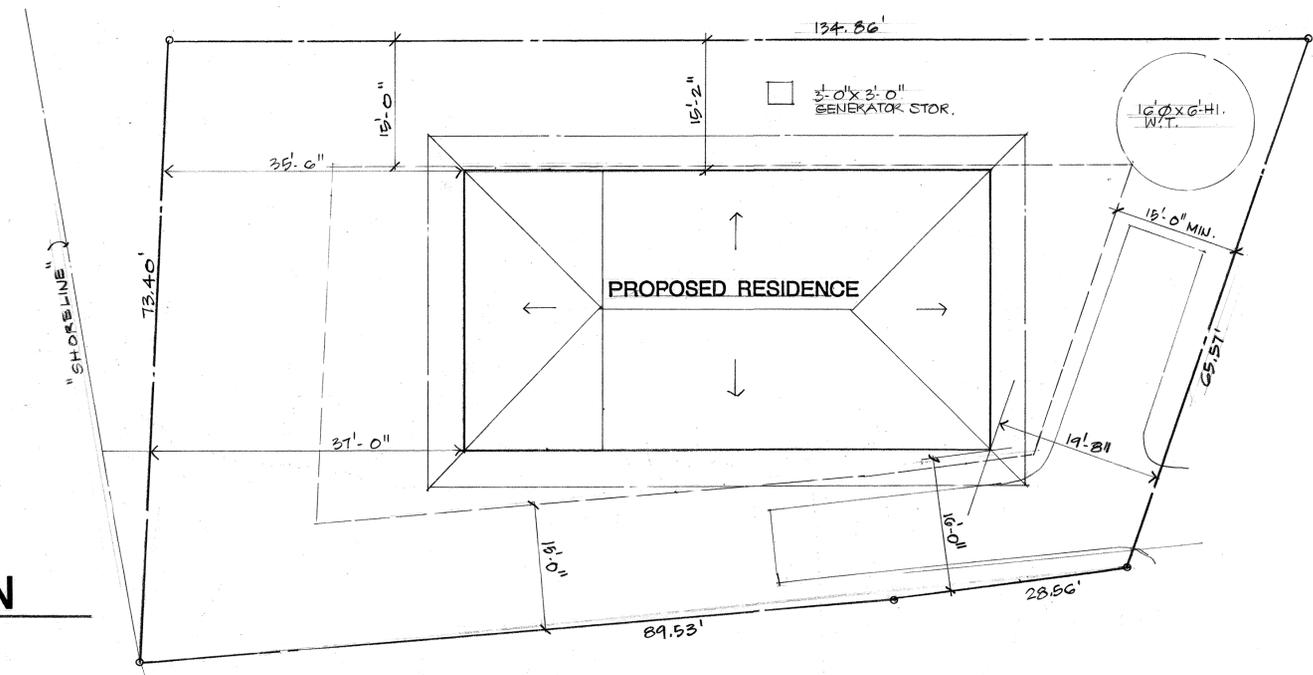
THE PLAN DRAWINGS AND FINAL CONFIGURATION OF THE STRUCTURE ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR/OWNER. THE DESIGNER/DRAFTSMAN HAS BEEN EMPLOYED TO PROVIDE A BASIC ARCHITECTURAL PLAN WITHOUT COMPLETE SPECIFICATIONS. THERE SHALL BE NO ARCHITECTURAL SUPERVISION OF ANY BUILDING FROM THE PLANS AND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

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

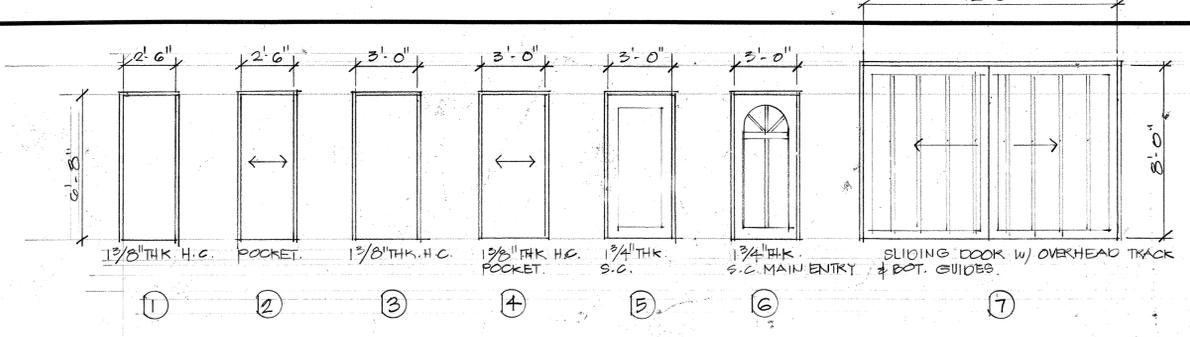
GENERAL NOTES:
 IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONSTRUCT THIS WITH STRICT ACCORDANCE TO RULES AND REGULATIONS OF THE UNIFORM BUILDING CODE OF THE COUNTY OF HAWAII AND OF THE U.B.C. 1991 EDITION.
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, CONDITIONS AND DETAILS OF THE PLAN AND THE SITE BEFORE STARTING JOB. WHEN IN DOUBT, THE CONTRACTOR SHALL CONTACT THE OWNER OR DRAFTSMAN FOR ANY CLARIFICATION BEFORE PROJECT BEGINS.
 THE OWNER SHALL BE RESPONSIBLE FOR ALL EXTRA COSTS DUE TO CHANGES OR CORRECTIONS MADE BY THE COUNTY BUILDING DEPARTMENT, PLANNING DEPARTMENT, ELECTRICAL DEPARTMENT AND PLUMBING DEPARTMENT AFTER THE PLAN HAS BEEN COMPLETED.
 THE OWNER SHALL BE RESPONSIBLE TO SEE THAT THE PLAN DRAWN FOR THE PROJECT, MEETS ALL SUBDIVISION REQUIREMENTS AS STATED IN SUBDIVISION COVENANTS.
 THE CONTRACTOR IS REQUIRED TO CONTACT THE DRAFTSMAN BEFORE THE PROJECT BEGINS.
 OMISSION OF ANY ITEM ON PLANS TO BE SPECIFIED IN SPECIFICATION SHEETS SUPPLIED BY EITHER THE OWNER OR CONTRACTOR. DRAFTSMAN WILL NOT BE RESPONSIBLE FOR ANY OMISSIONS.



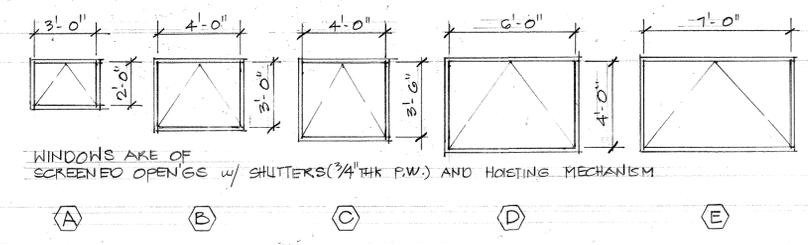
SITE PLAN
 SCALE: 1" = 10 FT



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

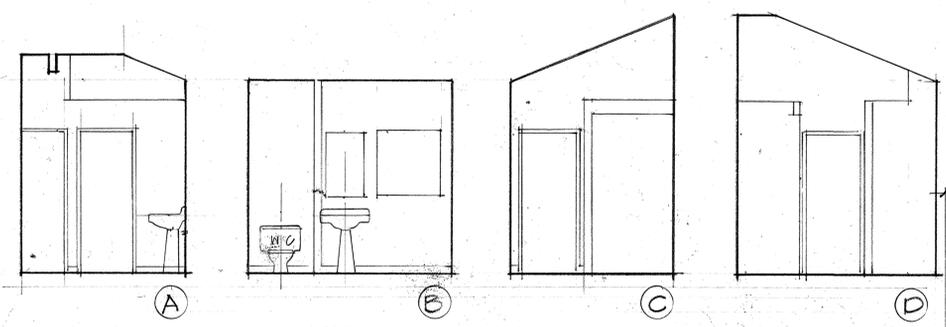


WINDOW SCHEDULE
SCALE: 1/4" = 1'-0"

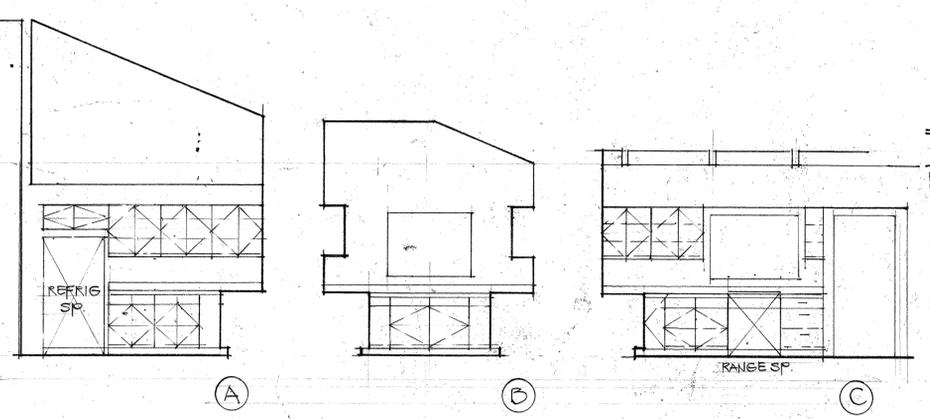
AREA TABULATION

| | |
|----------------------------|--------------------|
| LIVINGROOM, KITCHEN DINING | = 948 S.F. |
| BEDROOM 1 | = 143 S.F. |
| BEDROOM 2 | = 149 S.F. |
| BATHROOM | = 80 S.F. |
| DRESSING | = 83 S.F. |
| PORCH | = 111 S.F. |
| LANAI | = 543 S.F. |
| TOTAL AREA | = 2046 S.F. |

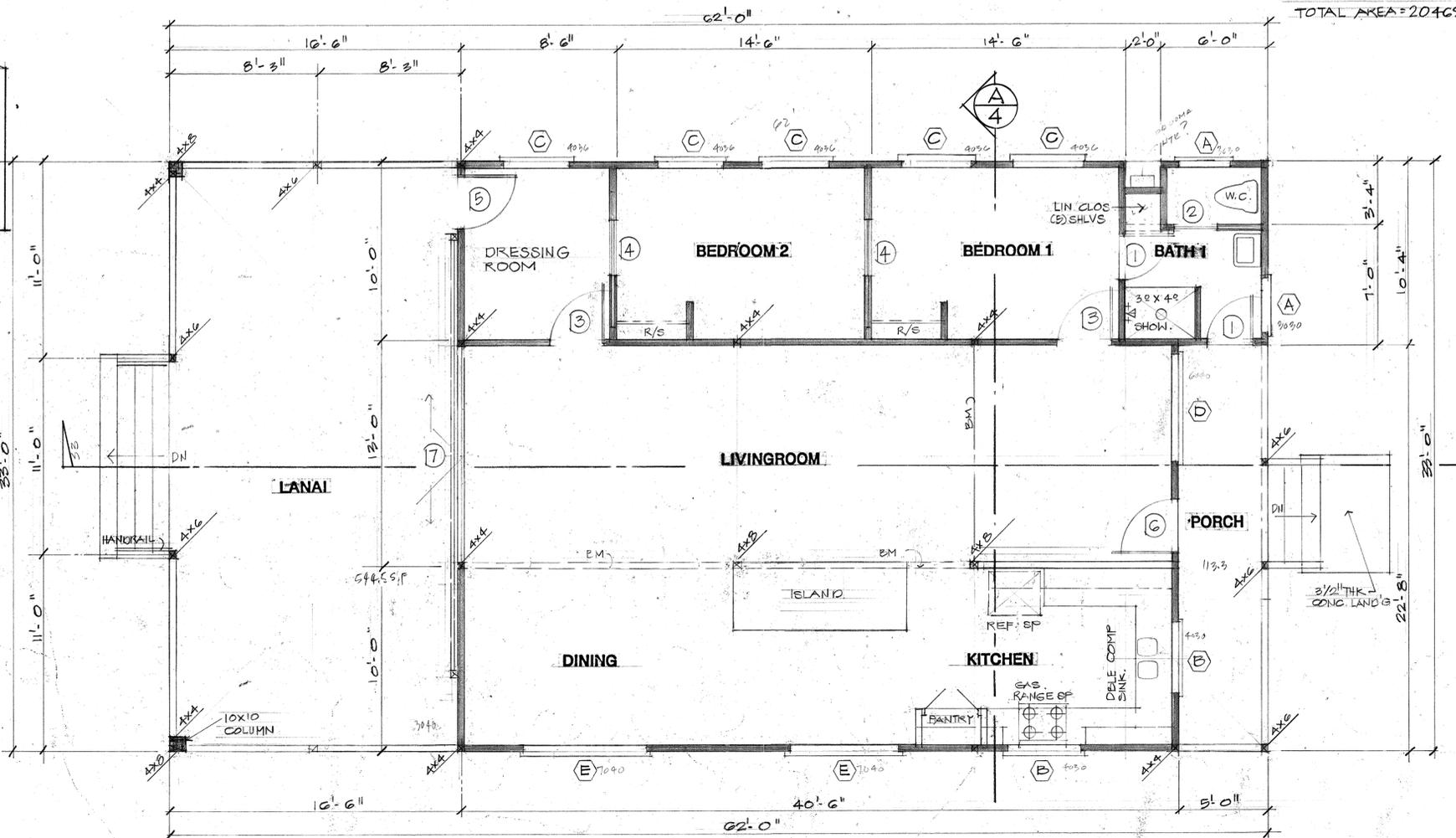
| | |
|-----------|-----------|
| MADR | 1378 S.F. |
| ACCESSORY | 658 S.F. |



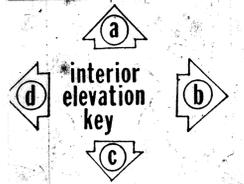
BATHROOM ONE ELEVATION



KITCHEN ELEVATION



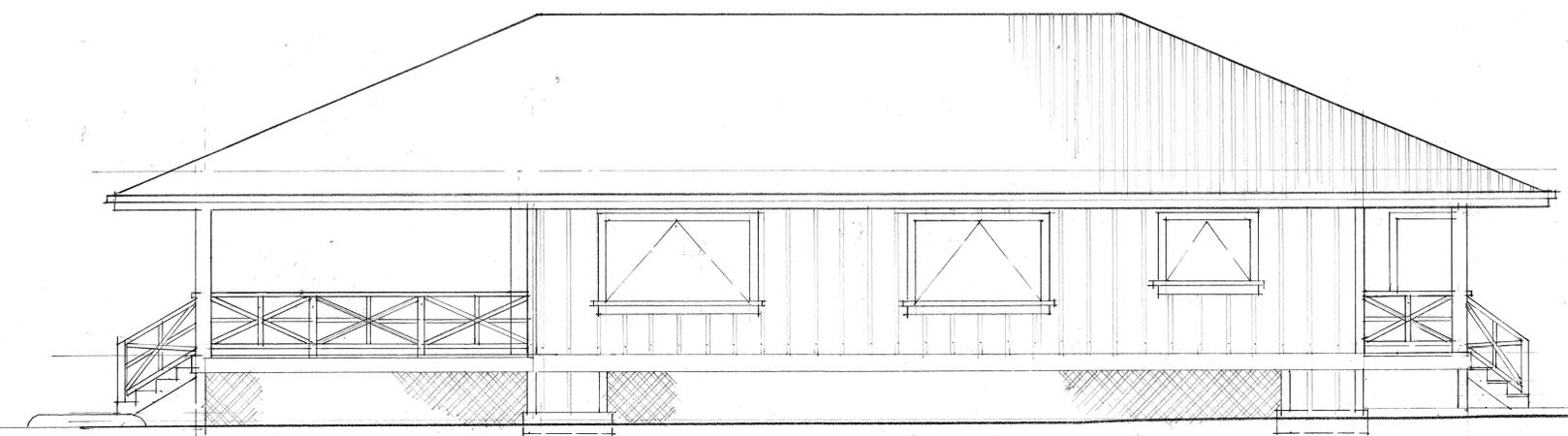
FLOOR PLAN
SCALE: 1/4" = 1'-0"



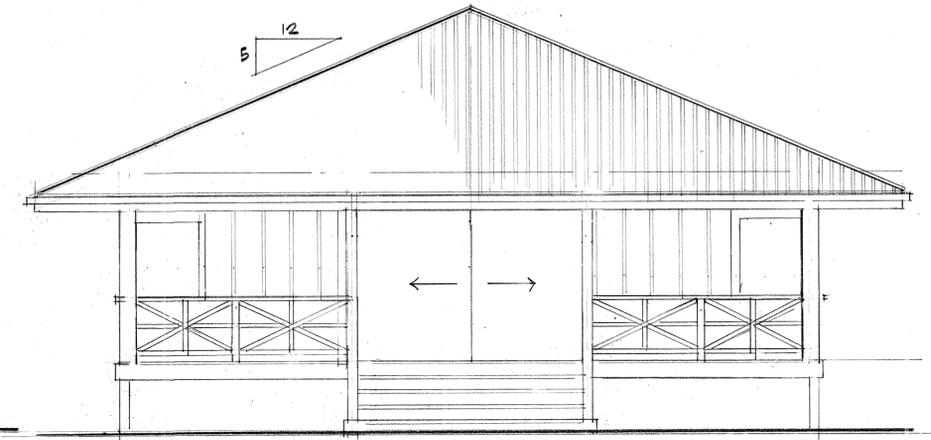
**FLOOR PLAN
DOOR & WINDOW SCHEDULE
INTERIOR ELEVATION**

| | |
|-------|----------|
| Date | |
| Scale | |
| Drawn | |
| Job | |
| Sheet | 2 |
| Of | 6 Sheets |

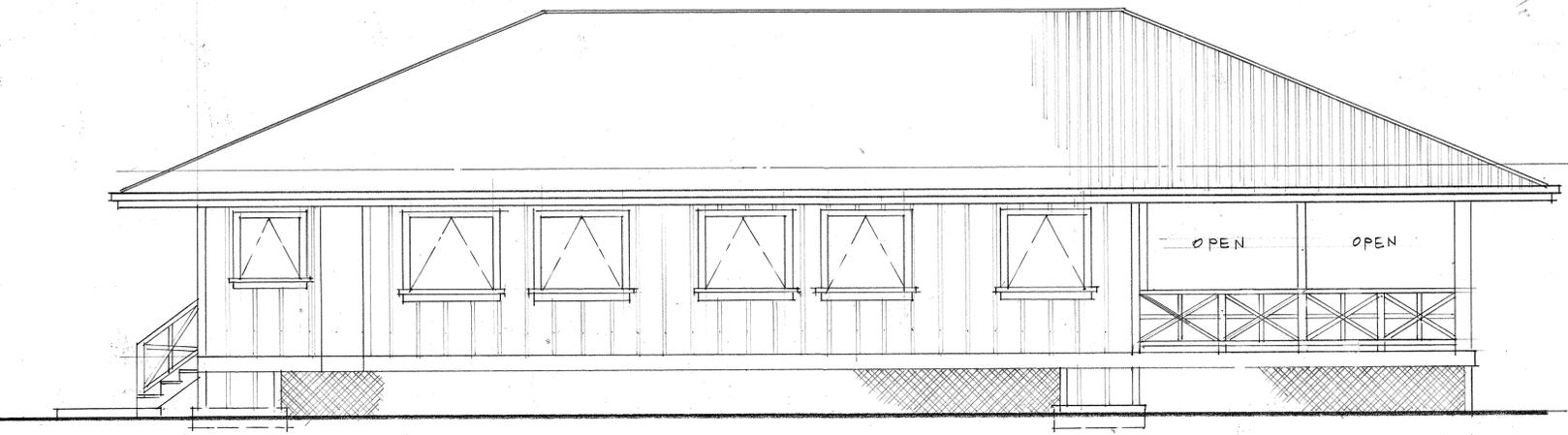
| REVISIONS | BY |
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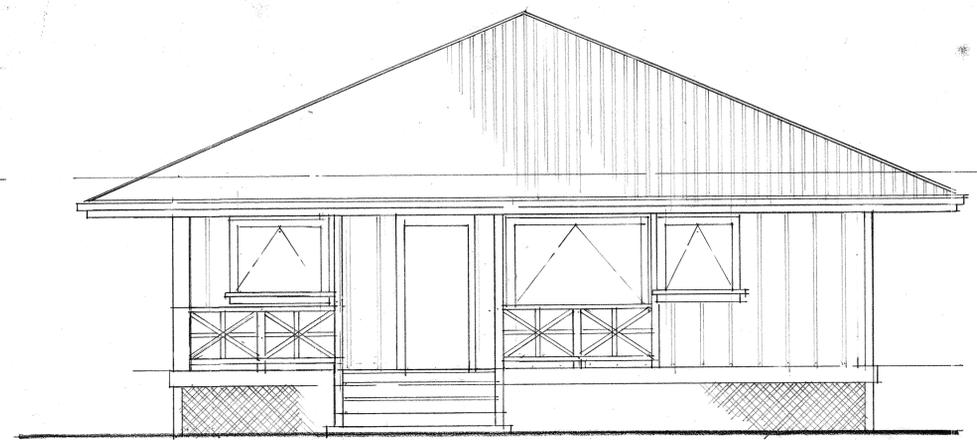
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

EXTERIOR ELEVATION

Date
Scale
Drawn

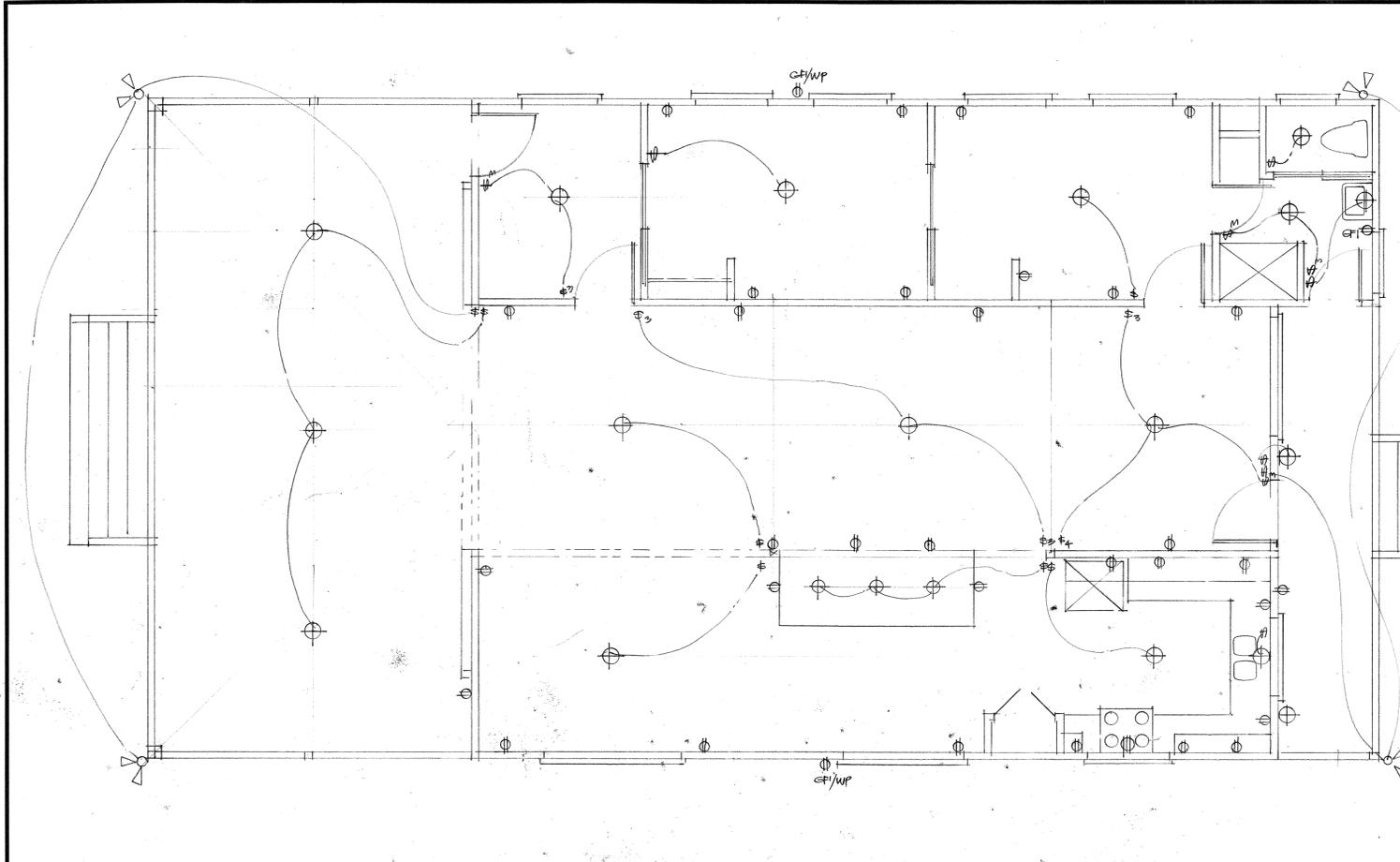
Job

Sheet

Of 6 Sheets

3

UNGER



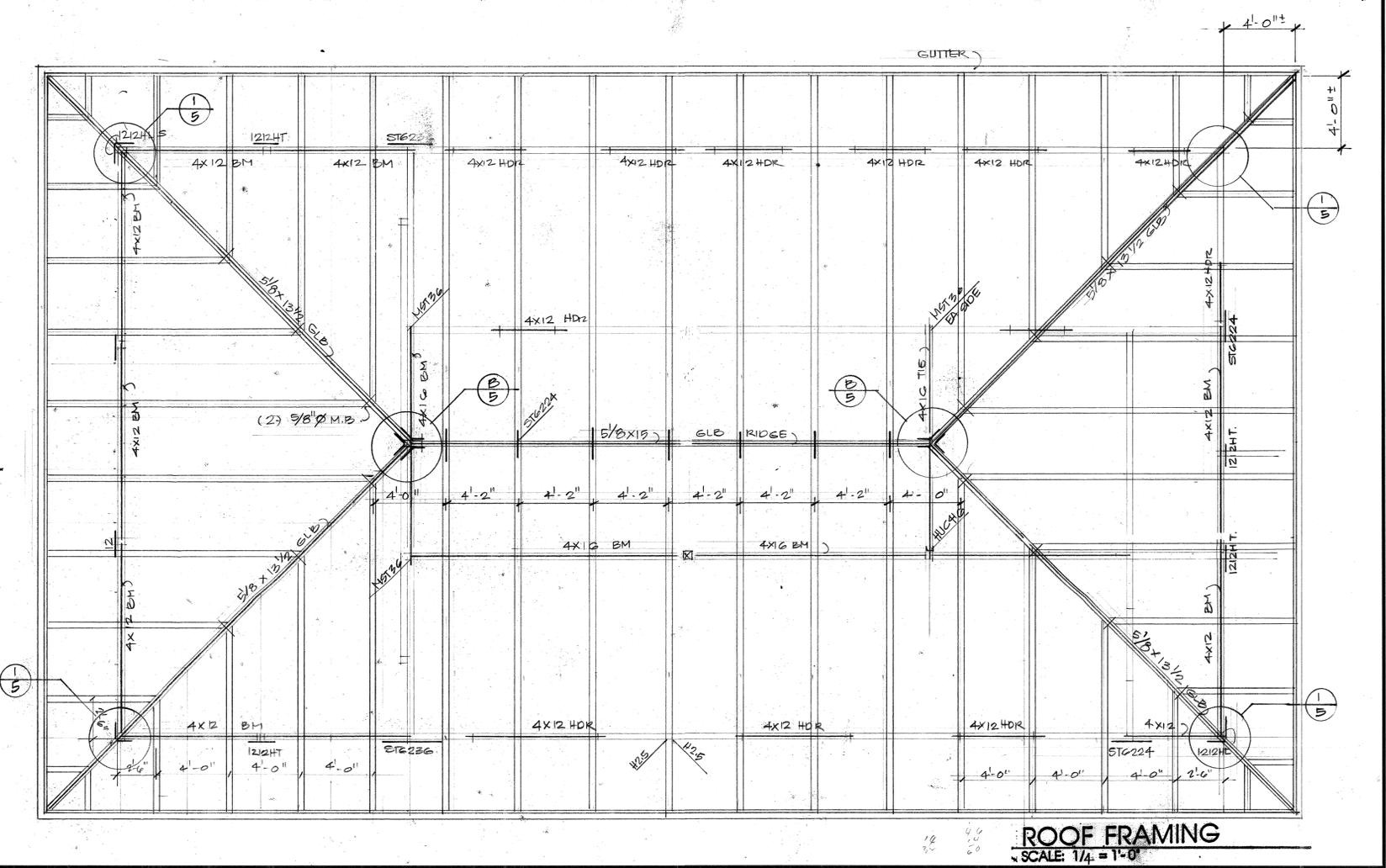
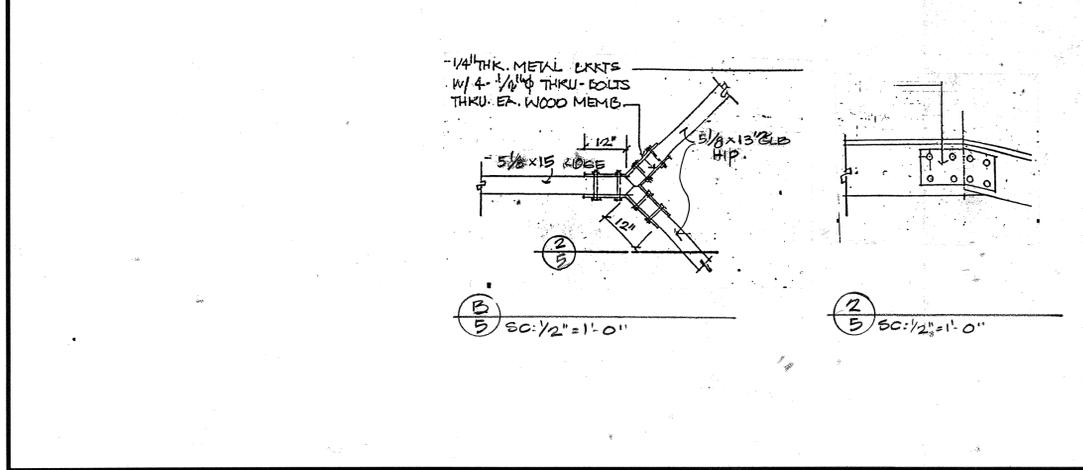
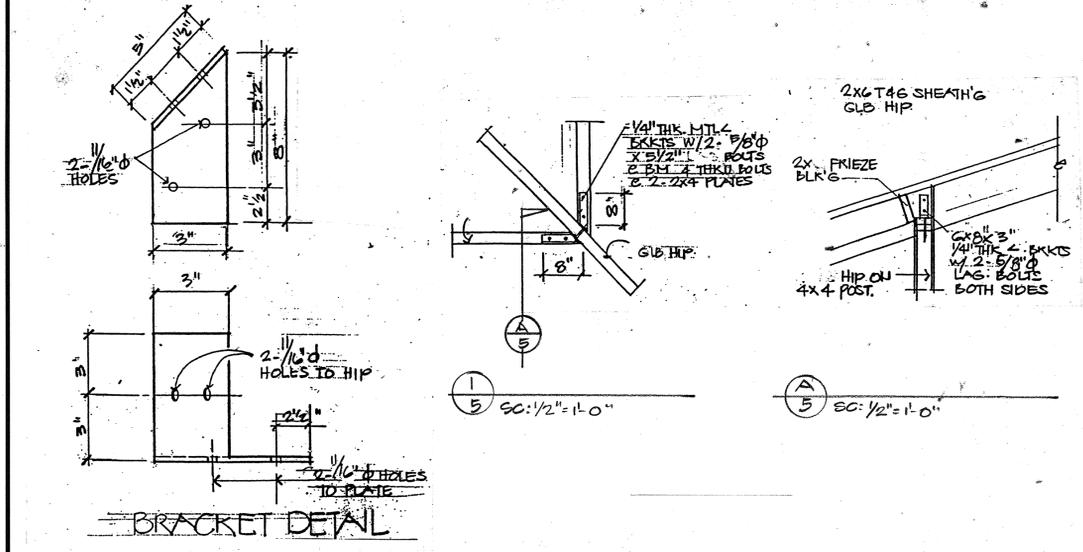
ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"

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

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

| CIRCUIT PANEL SCHEDULE | | | |
|------------------------|-----------------|------|------|
| CKT | DESCRIPTION | VOLT | BRKR |
| | Refrigerator | 110 | 20 |
| | Range | 220 | 50 |
| | Cooktop | 220 | 30 |
| | Water Heater | 220 | 30 |
| | Dryer | 220 | 30 |
| | Garb Disposal | 110 | 20 |
| | Washer | 110 | 20 |
| | Micro oven | 110 | 20 |
| | Dishwasher | 110 | 20 |
| | Trash Compactor | 110 | 20 |
| | Wall Oven | 220 | 50 |

| REVISIONS | BY |
|-----------|----|
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| | |



ROOF FRAMING
SCALE: 1/4" = 1'-0"

ROOF FRAMING PLAN
ELECTRICAL PLAN

| | |
|-------|----------|
| Date | |
| Scale | |
| Drawn | |
| Job | |
| Sheet | 5 |
| Of | 6 Sheets |