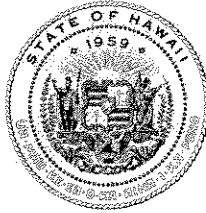
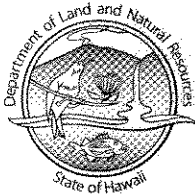


FEB 23 2010

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010

MEMORANDUM

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

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

FEB - 2 2010

SUBJECT: Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for Conservation District Use Application (CDUA) HA-3530 for Security Gates on Private Access Road for Keawaiki Beach Lots, Located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Final Environmental Assessment (FEA) to erect two security gates on an existing private access road (informally called Keawaiki Road) for Keawaiki Beach Lots located in Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021. The Draft Environmental Assessment (DEA) for this project was published in OEQC's December 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 February 23, 2010 *Environmental Notice*.

We have enclosed 1 hard copy and a CD with a PDF file of the FEA for the project along with the OEQC Bulletin Publication Form and Project Summary. The publication form has been e-mailed to your Office by the project's consultant. Comments on the DEA were sought from relevant agencies and the public, and were included in the FEA.

Please contact Audrey Barker of OCCL at 587-0377 if you have any questions on this matter.

Attachments

FINAL ENVIRONMENTAL ASSESSMENT

GATING OF ACCESS ROADS IN THE CONSERVATION DISTRICT AT KAHAULOA

**TMK (3rd): 8-3-005:001
Kahauloa, South Kona, Island of Hawai'i, State of Hawai'i**

February 2010

Prepared for:
State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

FINAL ENVIRONMENTAL ASSESSMENT

**GATING OF ACCESS ROADS IN THE
CONSERVATION DISTRICT AT KAHAULOA**

TMK (3rd): 8-3-005:001
Kahauloa, South Kona, Island of Hawai'i, State of Hawai'i

APPLICANT:

Charles and Diane Bundrant
P.O. Box 550
Captain Cook, Hawai'i 96704

**ACCEPTING
AUTHORITY:**

Hawai'i State Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

CONSULTANT:

Geometrician Associates
Ron Terry Ph.D.
PO 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).

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SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Chuck and Diane Bundrant, lessees under the landowner Kamehameha Schools (KS), plan to erect two vehicular gates on existing access roads on an undeveloped property in Kahauloa 2nd Ahupua‘a in South Kona. The gating action is a condition of their lease with KS. Pedestrian access will continue to be allowed. The purpose of the gates is to provide a secured access for the 17 properties at Keawaiki Beach Lots that take access from this access road, called Keawaiki Road, which does not provide access to any public resources such as the shoreline or parks. Currently, this private road through Kamehameha Schools properties is also used by others as a vehicular shortcut to the village and beach at Ke‘ei, which has its own, separate access across the property that will not be affected. A number of sensitive archaeological resources are present on the property, and unsecured access has promoted unauthorized camping, off-road driving and vandalism of these archaeological sites, as well as security issues for the property owners who take access from the access road. There are no archaeological features within the two areas planned for the placement of gates. The project would help protect historic sites. While the placement of the gates will limit vehicular through-traffic on the Keawaiki Road, a special gate and cindered walkway will be established adjacent to the gate structure for the express purpose of facilitating pedestrian travel. Consultation with community members did not identify any specific resources such as gathering practices, ceremonial sites, or traditional cultural properties that would be impacted by the proposed construction of the gates. However, several of those consulted felt that the placement of the gates would exclude community members from driving on a road that they have been accustomed to using for many years, a road that at some level substitutes for an ancient foot trail that was displaced by creation in the 1960s of the Keawaiki Beach Lots.

Land clearing and construction activities would produce minor short-term impacts to noise, air and water quality, access and scenery. The contractor will be required to emplace best management practices (BMPs) to properly manage storm water runoff and prevent erosion. If during construction any previously unidentified sites or remains such as artifacts, shell, bone, charcoal deposits or human burials are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation. The lava rock design of the gates will be in keeping with the landscape of the area and will not produce adverse scenic impacts.

PART 1: PROJECT DESCRIPTION AND E.A. PROCESS

1.1 Project Description and Location

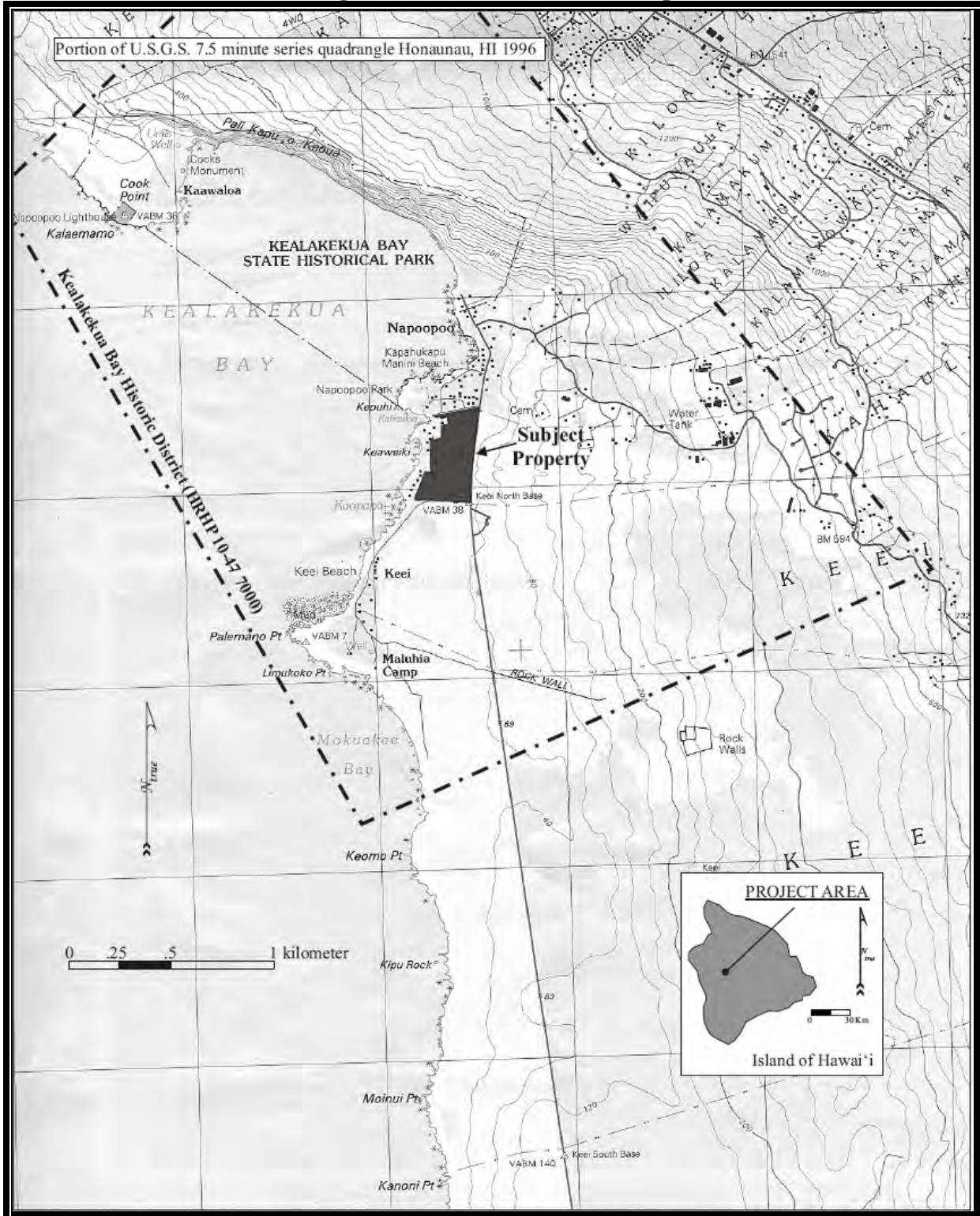
Chuck and Diane Bundrant, lessees under the landowner Kamehameha Schools, plan to erect two vehicular gates on existing private access roads on a 25.5696-acre undeveloped property in Kahauloa 2nd Ahupua‘a in South Kona, TMK 8-3-005:001 (Figures 1-5). The action is in conformance with the requirements of their lease. The purpose of the gates is to help protect archaeological sites on the property and to provide security for the 17 properties at Keawaiki Beach Lots that take access from this road, which does not provide access to any public resources such as the shoreline or parks.

As shown in Figure 3 and 4a, the property is traversed by two unpaved mauka-makai roads from Pu‘uhonua Road, which is the County road connecting Kealakekua Bay with Honaunau. The more southerly mauka-makai road is variously called Ke‘ei Beach Road or Ke‘ei Road, and it provides the access to Ke‘ei Village and the shoreline. The more northerly mauka-makai road, informally called Keawaiki Road, is essentially an 800-foot long private driveway to access the roughly 1,400 foot long north-south road that fronts the Keawaiki Beach Lots and connects the two mauka-makai roads at their makai ends. The property through which these private roads pass is landlocked, with no public accesses to the shoreline.

Currently, the private Keawaiki Road system is used by not only the property owners it is meant to serve but also as an alternate public route to Ke‘ei Road. A number of sensitive archaeological resources are present on the property, and unsecured access has promoted unauthorized camping, off-road driving and vandalism of these archaeological sites, as well as security issues for the property owners who take access from the access road. For the reasons above, the security gates are being proposed..

The proposed gating plan would install a locked, keypad gate on the private access road just makai of Pu‘uhonua Road (see Figures 3 and 5), to which Mr. and Mrs. Bundrant and all lot owners in Keawaiki would have access. This would become the main access. The private entrance to the Keawaiki Road from Ke‘ei Beach Road would be a manually operated, swinging pipe gate. The gates would provide more protection and security for the historic sites on the Kamehameha Schools property and for the residents of Keawaiki Beach Lots, who have been consulted as part of the project and who the Bundrants report have agreed to this arrangement.

Figure 1 General Location Map



Source: Appendix 2

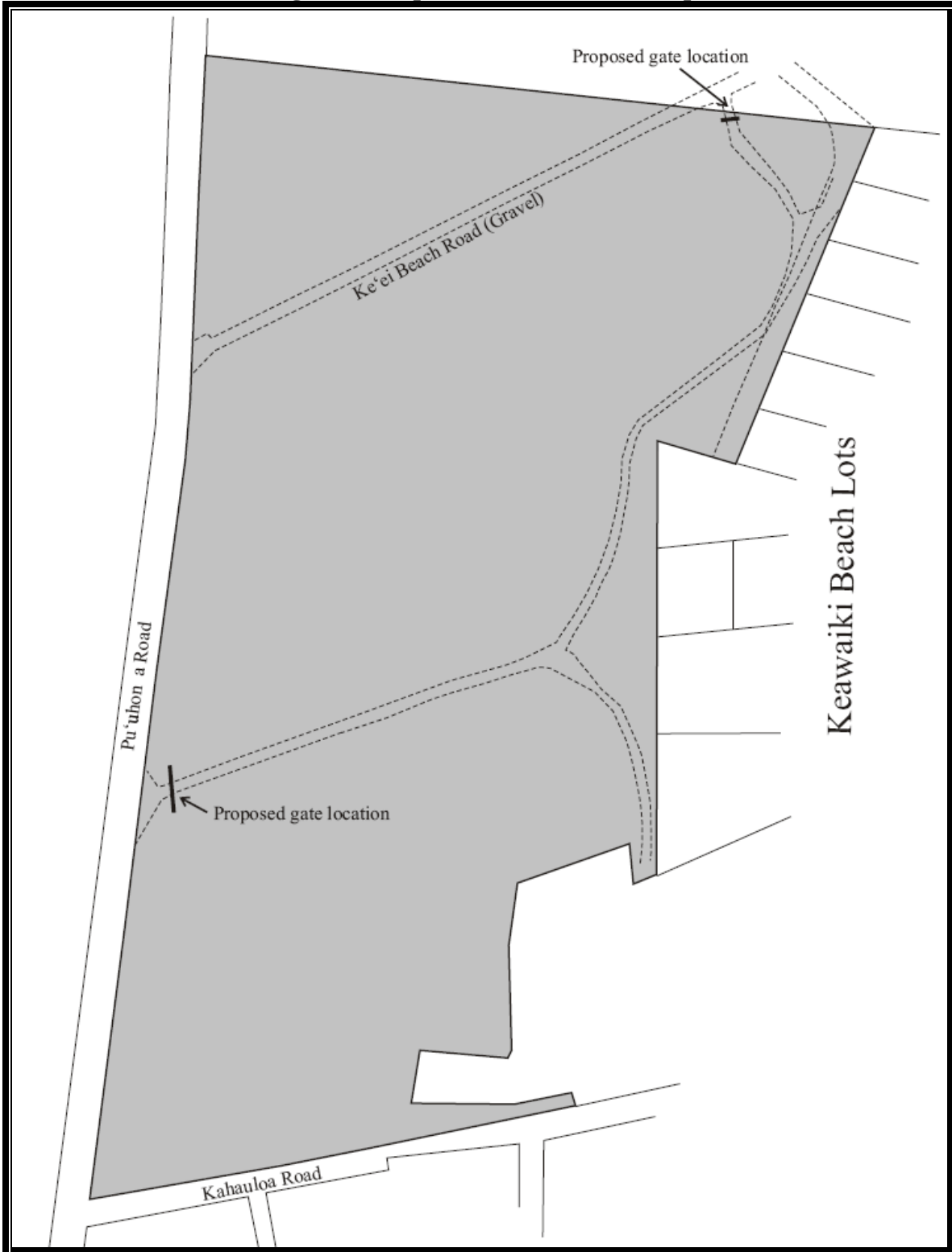
Figure 2 TMK Map



Source: Appendix 2

North ↓

Figure 3 Proposed Gate Location Map



Source: Appendix 2

North ↓

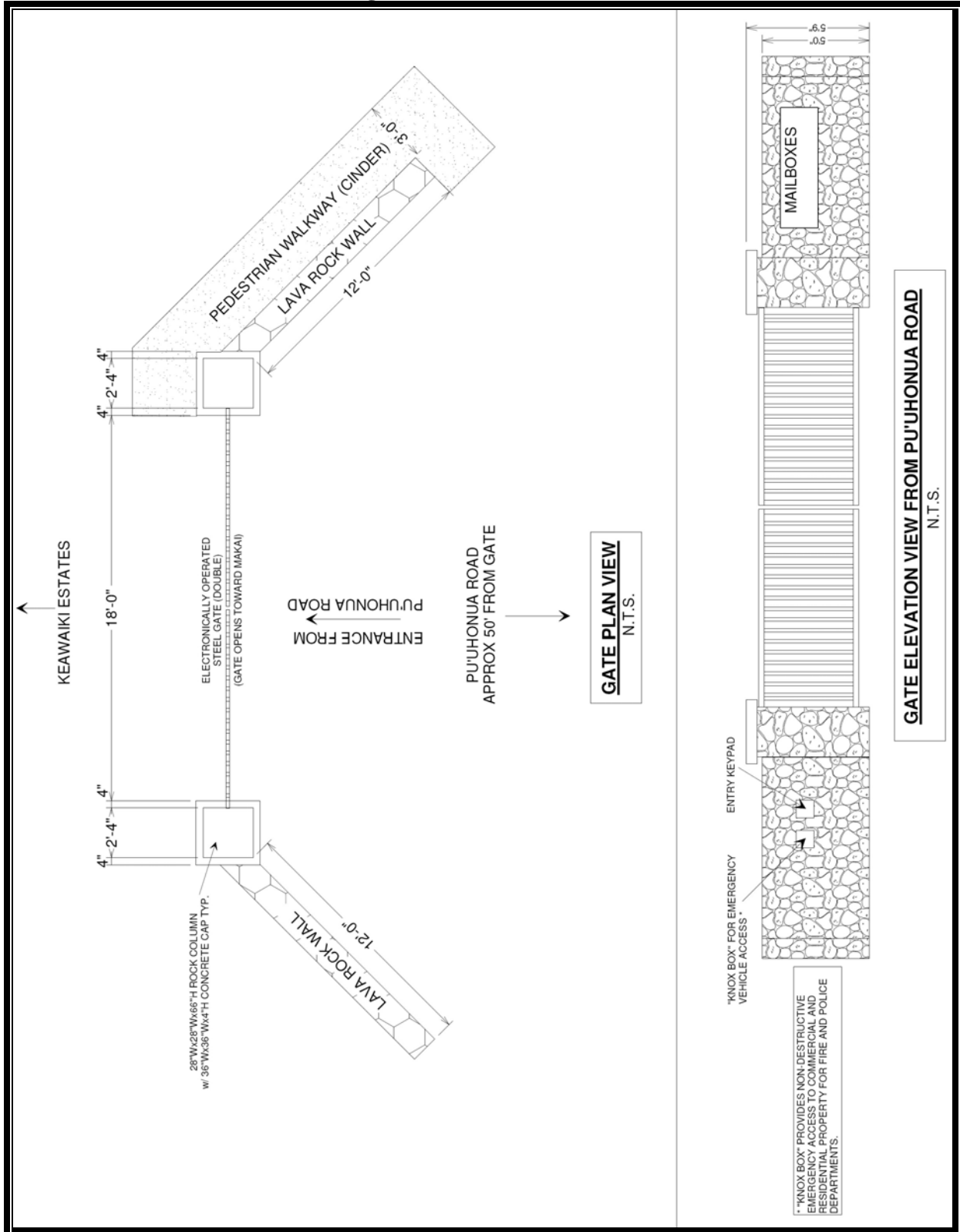
Figure 4 Photos



North ↑ Airphoto ▲ ▼ Site of Main Proposed Gate



Figure 5 Gate Illustration



Gating these private roads to prevent unauthorized vehicular access would help protect historic sites and would not adversely impact pedestrian travel, the rights of Native Hawaiians, or public access to shoreline resources. While an intensive archaeological reconnaissance found numerous archaeological features located on the overall parcel, many of which had been damaged by carelessness or vandalism, there are no archaeological features within the two areas planned for the placement of gates. Pedestrians would be able to walk around the gates on a special walkway and pedestrian access on Keawaiki Road will continue to be allowed. The constitutionally protected rights of Native Hawaiians to exercise traditional gathering or other practices on this Kamehameha Schools property will not be affected. In terms of shoreline access, it is important to emphasize that although the gating would exclude other vehicles from this part of Keawaiki, the roads do not provide public access to the shoreline areas, as the entire shoreline is fronted by private properties with no shoreline access easements. Mauka-makai shoreline access is available on the properties immediately south at Ke'ei and to the north at Manini Beach. Although the shoreline in front of the Keawaiki Beach Lots is rough and uneven, lateral shoreline access from the north or south is available along this roughly quarter-mile stretch of shoreline for those who traverse it to fish, gather and dive on the rocky shoreline. The proposed project does not in any way restrict or affect beach access, or access to any other public resource.

All funding for the gates is private, no public funds are involved, and work would begin as soon as permits were obtained.

1.2 Environmental Assessment Process

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai'i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai'i. An EA is necessary because the proposed gate project involves activity within the Conservation District and the Department of Land and Natural Resources does not consider the project an exempt activity.

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. If a study concludes that no significant impacts would occur from implementation of the proposed action, a Finding of No Significant Impact (FONSI) is prepared and an action is permitted to occur. If a study finds that significant impacts are expected to occur as a result of a proposed action, then an Environmental Impact Statement (EIS) is prepared with wider investigation of impacts and public involvement. Section 2 considers alternatives to the proposed project, and Section 3 discusses the existing environment and impacts associated with this project. Section 4 issues the determination (anticipated determination in the Draft EA), and Section 5 lists the criteria and the findings made by the applicant in consultation with the Department of Land and Natural Resources (DLNR) for this project.

1.3 Public Involvement and Agency Coordination

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

County:

Planning Department
County Council
Department Water Supply

State:

Department of Land and Natural Resources, Office of Chairman
Department of Land and Natural Resources, State Historic Preservation Division
Office of Hawaiian Affairs, Honolulu and West Hawai'i

Private:

Sierra Club Kona Outdoor Circle Kona Hawaiian Civic Club

Copies of communications received during early consultation are contained in Appendix 1a. It should be noted that the gate project was originally part of a larger project to also build a single-family residence and landscape the property, which is currently no longer under consideration, although it may be considered in the future. Early consultation letters reflect responses to all three aspects of the action as it was then proposed.

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 are illustrated in Figures 1-5.

2.2 No Action

Under the No Action Alternative, the gates would not be built and the archaeological features of concern would be less protected from the effects of unauthorized camping, vandalism, looting, and careless off-road driving, and the residents of Keawaiki Beach Lots would have less security and privacy. Alternative security could be provided by a combination of 24-hour security guards, County police and DOCARE enforcement officers rather than physical gates. In the end, such an alternative would be far more expensive to the property owners than two simple gates, and it would also burden public law enforcement officers, and it is therefore not under consideration.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

3.1 Basic Geographic Setting

The property (also called herein the project site), which is presently vacant and unused, is bounded on the west or makai side by the Keawaiki Beach Lots subdivision, on the north by Kahauloa Road, on the east or mauka side by Pu‘uhonua Road and on the south by other properties belonging to Kamehameha Schools. The project site lies a minimum of approximately 250 feet from the coastline. Elevations vary from about 50 feet above sea level at Pu‘uhonua Road on the mauka side, where the main gate would be, to about 20 feet above sea level on the makai side of the property, near the second gate. The climate in the area is mild and semi-arid, with annual rainfall averaging about 40 inches and average daily temperatures of approximately 75 degrees F (U.H. Hilo-Geography 1998:57).

3.2 Physical Environment

3.2.1 Geology and Geologic Hazards

Environmental Setting

The project site is located the western slope of Mauna Loa volcano. About 1,300 feet to the northeast is the base of a steep pali (cliff) presenting a dramatic backdrop. The surface of the parcel consists of weathered basaltic soils and rock outcroppings derived from Holocene epoch (between 200 and 750 years old) lava flows from Mauna Loa (Wolfe and Morris, 1996). The U.S. Natural Resources Conservation Service (formerly Soil Conservation Service) classifies nearly the entire surface of the project site as a‘a lava flows and the remainder, primarily along the makai portion, as Kainaliu very stony silty clay loam (KDD). This well-drained soil is typically found on slopes of 12 to 20 percent and has about 1 percent of its surface covered by cobbles or boulders. Its subclass is VIs; soils of that type have severe limitations which make them generally unsuited to cultivation and limit their use largely to pasture or similar uses. The subclass for the a‘a lava is VIIs which also limits its use to recreation or aesthetic purposes.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the United States Geological Survey in this area of Kona is zone 3, on a scale of ascending risk from 9 to 1 (Heliker 1990:23). The high hazard risk is based on the fact that Mauna Loa is presently an active volcano. Volcanic hazard zone 3 areas have had 1-5% of their land area covered by lava or ash flows since the year 1800, but are at lower risk than zone 2 areas because of their greater distances from recently active vents and/or because the local topography makes it less likely that flows will cover these areas.

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, as the 6.7-magnitude quake of October 15, 2006, demonstrated. The project site is not subject to landslides or other forms of mass wasting.

Impacts and Mitigation Measures

Geologic conditions impose no substantial constraints on the project. Although the action would occur in an area with both lava flow and seismic hazard, this is shared with all property in South Kona, and no additional public risk or imprudent development would occur.

3.2.2 Flood Zones, Water Bodies, and Water Quality

Environmental Setting

The project site has no streams, ponds, lakes, wetlands or other surface water bodies. The Flood Insurance Rate Maps (FIRM 1551661156C) show that the project site is in Flood Zone X, outside the 100-year floodplain. No known areas of local (non-stream related) flooding are present.

Impacts and Mitigation Measures

No impact to the floodplain will occur, as the project site is outside FEMA designated floodplain. During any construction project, activities have the potential to produce uncontrolled excess sediment from soil erosion during and after excavation and construction that may impact natural watercourses, water quality and flooding. Contaminants associated with heavy equipment and other sources during construction have the potential to impact surface water and groundwater if not mitigated effectively, although such potential in this site is limited because of the small scale of the project.

In order to minimize the potential for sedimentation and erosion, the contractor shall perform all earthwork and grading in conformance with Chapter 10, Erosion and Sediment Control, Hawai'i County Code, and all specifications required by the Hawai'i Department of Land and Natural Resources. At a minimum, the contractor will implement the following best management practices (BMPs) for the project:

- Schedule construction to avoid periods of heavy rain;
- Apply protective covers to cleared areas, soil and material stockpiles, as necessary and appropriate;
- Store and use fuel storage in manner to prevent leaks, spills or fires;
- Use drip pans beneath heavy vehicles and construction equipment not in use in order to trap vehicle fluids;
- Conduct routine maintenance of BMPs by adequately trained personnel;
- Prevent construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) from blowing, falling, flowing, washing or leaching into the ocean; and
- Clean-up and dispose at an approved site of any significant leaks or spills, if they occur.

3.2.3 Flora and Fauna

Environmental Setting

The natural vegetation of this dry site covered with almost bare lava is a very sparse dry herbland. Some of the project site has been previously disturbed by grading and other activities. Even more influential on the flora makeup has been colonization by introduced species. The flora currently consists mostly of introduced species, with few indigenous plants that are common throughout Kona. The results of a botanical survey are shown in Table 1.

Although no formal zoological survey was conducted, the site is clearly dominated by the alien birds typical of residential areas in Kona, including such as 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*) and House Finch (*Carpodacus mexicanus*). No native Hawaiian 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 and lack of adequate forest resources.

In addition to cats and dogs, the mammalian fauna of this part of Kona is composed of mainly introduced species, including small Indian mongooses (*Herpestes a. auropunctatus*), roof rats (*Rattus r. rattus*), Norway rats (*Rattus norvegicus*), European house mice (*Mus domesticus*) and 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 forage in the area, as it is present in many areas on the island of Hawai'i, but the lack of any significant shrub or tree cover reduces the value of the area for foraging and probably precludes roosting.

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 gates is not likely to cause adverse biological impacts. The property is situated about 250 feet from the shoreline, with a row of houses between it and the shoreline, and no effect on any coastal ecosystem is expected.

Table 1. Plant Species on Project Site

Scientific Name	Family	Common Name	Life Form	Status*
<i>Acacia farnesiana</i>	Fabaceae	Klu	Shrub	A
<i>Amaranthus spinosa</i>	Amaranthaceae	Spiny amaranth	Herb	A
<i>Argemone glauca</i>	Papaveraceae	Pua kala	Herb	I
<i>Asystasia gangetica</i>	Acanthaceae	Chinese violet	Vine	A
<i>Boerhavia coccinea</i>	Nyctaginaceae	Boerhavia	Herb	A
<i>Calophyllum inophyllum</i>	Clusiaceae	Kamani	Tree	A
<i>Carica papaya</i>	Caricaceae	Papaya	Shrub	A
<i>Casuarina sp.</i>	Casuarinaceae	Ironwood	Tree	A
<i>Chamaecrista nictitans</i>	Fabaceae	Partridge pea	Herb	A
<i>Chamaesyce hirta</i>	Euphorbiaceae	Hairy spurge	Herb	A
<i>Chamaesyce hypericifolia</i>	Euphorbiaceae	Graceful spurge	Herb	A
<i>Cleome gynandra</i>	Capparaceae	Spider wisp	Herb	A
<i>Clusia rosea</i>	Clusiaceae	Autograph tree	Tree	A
<i>Coccinia grandis</i>	Cucurbitaceae	Ivy gourd	Vine	A
<i>Desmodium tortuosum</i>	Fabaceae	Desmodium	Herb	A
<i>Eleusine indica</i>	Poaceae	Wiregrass	Herb	A
<i>Eragrostis sp.</i>	Poaceae	Love grass	Herb	A
<i>Eucalyptus sp.</i>	Myrtaceae	Eucalyptus	Tree	A
<i>Galinsoga sp.</i>	Asteraceae	Galinsoga	Herb	A
<i>Hedyotis corymbosa</i>	Rubiaceae	Hedyotis	Herb	A
<i>Jacaranda mimosifolia</i>	Bignoniaceae	Jacaranda	Tree	A
<i>Kalanchoe pinnata</i>	Crassulaceae	Air plant	Herb	A
<i>Kalanchoe sp.</i>	Crassulaceae	Kalanchoe	Herb	A
<i>Kyllinga nemoralis</i>	Cyperaceae	Kyllinga	Herb	A
<i>Lantana camara</i>	Verbenaceae	Lantana	Shrub	A
<i>Leucaena leucocephala</i>	Fabaceae	Haole koa	Shrub	A
<i>Mangifera indica</i>	Anacardiaceae	Mango	Tree	A
<i>Momordica charantia</i>	Cucurbitaceae	Balsam pear	Vine	A
<i>Morinda citrifolia</i>	Rubiaceae	Noni	Shrub	A
<i>Nephrolepis multiflora</i>	Nephrolepidaceae	Sword fern	Fern	A
<i>Panicum maximum</i>	Poaceae	Guinea grass	Herb	A
<i>Paspalum conjugatum</i>	Poaceae	Hilo grass	Herb	A
<i>Passiflora foetida</i>	Passifloraceae	Love-in-a-mist	Vine	A
<i>Passiflora suberosa</i>	Passifloraceae	Huehue haole	Vine	A
<i>Passiflora edulis</i>	Passifloraceae	Lilikoi	Vine	A
<i>Pennisetum setaceum</i>	Poaceae	Fountain grass	Herb	A
<i>Peperomia af. leptostachya</i>	Piperaceae	Peperomia	Herb	I

Table 1 continued below

Table 1, continued				
Scientific Name	Family	Common Name	Life Form	Status*
<i>Pithecellobium dulce</i>	Fabaceae	Dulce	Tree	A
<i>Pityrogramma calomelanos</i>	Pteridaceae	Silver fern	Fern	A
<i>Plectranthus parviflorus</i>	Lamiaceae	Spurflower	Herb	I
<i>Pluchea symphytifolia</i>	Asteraceae	Sourbush	Shrub	A
<i>Portulaca pilosa</i>	Portulacaceae	Portulaca	Herb	A
<i>Psidium guajava</i>	Myrtaceae	Guava	Tree	A
<i>Rhynchelytrum repens</i>	Poaceae	Natal redtop	Herb	A
<i>Ricinus communis</i>	Euphorbiaceae	Castor bean	Shrub	A
<i>Samanea saman</i>	Fabaceae	Monkey pod	Tree	A
<i>Scaevola sericea</i>	Goodeniaceae	Beach naupaka	Shrub	I
<i>Schefflera actinophylla</i>	Araliaceae	Octopus tree	Tree	A
<i>Schinus terebinthifolius</i>	Anacardiaceae	Christmas berry	Shrub	A
<i>Spathodea campanulata</i>	Bignoniaceae	African tulip	Tree	A
<i>Tephrosia purpurea</i>	Fabaceae	Auhuhu	Shrub	A
<i>Terminalia catappa</i>	Combretaceae	Tropical almond	Tree	A
<i>Thevetia peruviana</i>	Apocynaceae	Be-still tree	Shrub	A
<i>Tridax procumbens</i>	Astreaceae	Coat buttons	Herb	A
<i>Waltheria indica</i>	Sterculiaceae	'Uhaloa	Herb	I

* Note: list includes vegetation on entire property, not just gate area. A = alien, E = endemic, I = indigenous, End = Federal and State listed Endangered Species

3.2.4 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in West Hawai'i is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that persistently blankets North and South Kona.

Noise on the site is low to moderate, and is derived from natural sources (such as surf and wind) as well as road noise, as the project site lies along Pu'uhonua Road. Other permanent sources are residences and the Hawai'i County solid waste convenience center several hundred feet southeast of the property; construction in the area is a temporary source of noise.

The viewplane from the Kahauloa area (TMK 8-3-03) is listed as a scenic resource in the Hawai'i County General Plan, as is the viewpoint of Palemano Point (8-3-04:005) and Ke'ei cove (8-3-04:1), white sand beach (8-3-04:4) and unnamed viewpoint (8-3-03).

Impacts and Mitigation Measures

The project would not affect air quality or noise levels in any substantial way. Brief and minor adverse effects would occur during construction. However, there are few sensitive noise receptors in the vicinity, primarily several residences, and given the small scale of the project, noise mitigation will likely not be necessary.

The gates will be visible from Pu‘uhonua Road and Ke‘ei Beach Road, but in the context of the landscape, where there are numerous residences and stone walls, they would not pose any visible impacts, and the lava rock design will match the surroundings. Because of distance and intervening topography and vegetation, the shoreline is not visible from Pu‘uhonua Road, and no visual impact upon the shoreline is expected. Regarding General Plan scenic viewpoints, Palemano Point is located more than 3,000 feet to the south, making it considerably distant from the project and not a factor in the scenic character or impacts of the project site. The other scenic sites are listed as being from vantage points mauka of the project site. The gates are not of a scale to pose any scenic impacts from a distance.

3.2.5 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. Other than the precautions listed in Section 3.2.2, above, no mitigation for such conditions is necessary.

3.3 Socioeconomic and Cultural

3.3.1 Land Ownership and Land Use, Designations and Controls

Existing Environment

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

Construction of security gates are not prohibited within these land use designations, conditional upon a Conservation District Use Permit (CDUP) and Special Management Area Permit or exemption therefrom. The Hawai‘i County Planning Department requires preparation of an SMA Assessment Application, through which SMA issues are expressly dealt. According to their letter of December 18, 2009, the Department is awaiting a decision on how to proceed with the SMA permit pending an abstract on a trail to determine if Keawaiki Road is considered a trail under the Highways Act of 1892. The consistency of the project with the regulations and policies of the Conservation District and the Special Management Area are discussed in Section 3.7.2 and 3.7.3.

3.3.2 Socioeconomic Characteristics and Recreation

Existing Environment

The project site is within the ahupua‘a of Kahauloa 2nd in the South Kona District on the west side of the Island and County of Hawai‘i. Between 1970 and 2006, the County’s population almost tripled, from 63,468 to 175,784 in 2008 (Hawai‘i State Data Book, DBEDT population estimates, and U.S. Census of Population 2000). The population of Hawai‘i County, which is leading the state in percentage growth in the 21st century, is expected to expand by another 100,000+ residents by 2035 (DBEDT 2035 Series 2008). In 2008, visitors made up an additional 16% (28,011 individuals) of the County’s de facto population each day. In Captain Cook, the town closest to the project area, the population grew by nearly 24 percent in the decade ending in 2000 alone.

Hawai‘i’s economy, particularly that of West Hawai‘i, which includes the districts of Kona and Kohala, is based primarily on tourism. In 2008 there was a drastic nationwide economic slowdown that is expected to continue throughout most of 2009 and into 2010. Visitor arrivals are expected to decline throughout 2009 and 2010. Assuming a turnaround in the national economy by late 2009, the local economy should begin to improve in and experience modest growth in 2011 (http://hawaii.gov/dbedt/info/economic/data_reports/qser/outlook-economy).

Although Hawai‘i County in general and Kona in particular have seen regular and rapid growth in recent decades, the southern part of Kona has retained a distinctly rural character, which is true of the project site. While there are roughly a dozen residences nearby, with steady growth in homes around the Napo‘opo‘o area, the nearest large population center is located at Captain Cook, approximately 1.5 miles away.

Napo‘opo‘o Beach Park, a small County facility located about a quarter-mile to the north, serves as the gateway to Kealakekua Bay State Historical Park, which is the site of the first extensive contact between Hawaiians and Westerners represented by Captain James Cook. The area includes Hikiau Heiau, located just above the shoreline near the beach park, and a monument to Cook located across Kealakekua Bay. The shoreline and nearshore waters at Kealakekua Bay are currently used by fishermen, divers, swimmers and kayakers.

Impacts and Mitigation Measures

No adverse socioeconomic impacts are expected to result from the project, As discussed above, although the gates restrict vehicular access, the roads being restricted do not provide access to any shorelines, parks, or other public resources.

3.3.3 Cultural and Archaeological Resources

An assessment of historic properties and a cultural impact assessment were conducted for the proposed action by Rechtman Consulting. The reports are contained in Appendix 2 and summarized below. The reader is referred to Appendix 2 for scholarly references, most of which are not included in the summary below.

Cultural and Historical Background

The inhabiting of Hawai‘i took place 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.

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. In these early times, Hawai‘i’s inhabitants were primarily engaged in subsistence level agriculture and fishing.

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.

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 lowlands.

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)

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. 1972:14). The rituals of Lono “the father of waters” and the annual Makahiki festival, which honored Lono and which began before the coming of the *kona* (southerly) storms and lasted through the rainy season (the summer months), were of great importance to the native residents of this region (Handy et al. 1972: 523). The significance of rituals and ceremonial observances in cultivation and indeed in all aspects of life was of great importance to the well being of the ancient Hawaiians, and cannot be overemphasized, or overlooked when viewing traditional sites of the cultural landscape.

Over the generations, the ancient Hawaiians developed a sophisticated system of land and resources management. By the time ‘Umi-a-Līloa rose to rule the island of Hawai‘i in ca. 1525, the island (*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 itself, extends from the shore across the entire volcanic mountain of Hualālai, and continues to the summit of Mauna Loa, where Kona is joined by the districts of Ka‘ū, Hilo, and Hāmākua.

Kona, like other large districts on Hawai‘i, was subdivided into ‘*okana* or *kalana* (regions of land smaller than the *moku-o-loko*, yet comprising a number of smaller units of land). The lands of Kahauloa, situated in an area now known as Kona Hema (South Kona), are part of an ancient subregion generally known as “Ka-pali-lua” (The-two-cliffs; describing the topographic features of the *kula* or lands of the mountain slope). The *moku-o-loko* and ‘*okana* or *kalana* were further divided into manageable units of land, and were tended to by the *maka‘āinana* (people of the land). Of all the land divisions, perhaps the most significant management unit was the *ahupua‘a*. *Ahupua‘a* are subdivisions of land that were usually marked by an altar with an image or representation of a pig placed upon it (thus the name *ahu-pua‘a* or pig altar). In their configuration, the *ahupua‘a* may be compared to wedge-shaped pieces of land that radiate out from the center of the island, extending to the ocean fisheries fronting the land unit.

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

Entire *ahupua‘a*, or portions of the land were generally under the jurisdiction of appointed *konohiki* or lesser chief-landlords, who answered to an *ali‘i-‘ai-ahupua‘a* (chief who controlled the *ahupua‘a* resources). The *ali‘i-‘ai-ahupua‘a* in turn answered to an *ali‘i ‘ai moku* (chief who claimed the abundance of the entire district). Thus, *ahupua‘a* resources supported not only the *maka‘āinana* and ‘*ohana* who lived on the land, but also contributed to the support of the royal community of regional and/or island kingdoms. This form of district subdividing was integral to Hawaiian life and was the product of strictly adhered to resources management planning. In this system, the land provided fruits and vegetables and some meat in the diet, and the ocean provided a wealth of protein resources. Also, in communities with long-term royal residents (like Ke‘ei, Ka‘awaloa, and Kealakekua), divisions of labor (with specialists in various occupations on land and in procurement of marine resources) came to be strictly adhered to.

It is in the general cultural setting outlined above, that we find the *ahupua‘a* of Kahauloa at the time of European contact. The ocean resources fronting Kahauloa were integral to life upon the land. On the *kula kahakai* or shoreward flats, were found potable water sources (caves, wells and springs), several village clusters and many residents, groves of coconut trees, and lowland agricultural fields. The *kula uka* or upland plains, extending up to an area above the *mauka* alaloa, Keala‘ehu (near present day Māmalahoa Highway), was highly valued for its fertile lands, which were extensively cultivated. The lands extending from around the 2,000 to 5,000 foot elevation were cultivated in bananas, and were a significant resource of woods, fibers, birds, and other materials of value and importance to native life.

The subject property is located within Kahauloa 2nd near Kahauloa Bay along the southern shore of Kealakekua Bay. This area played a well-documented and significant role in the history of the Hawaiian Islands. Kealakekua Bay is the former home of some of Hawai‘i’s most powerful *ali‘i* and feared warriors. One such warrior, named Kekūhaupi‘o, was born of royal blood (his father was Kohapi‘olani, a Ke‘ei chief, and his mother was from Nāpo‘opo‘o) at Ke‘ei, just south of Kahauloa 2nd. An article published in *Ka Hōkū o Hawai‘i* on September 10, 1908 (translated by K. Maly) tells of Kekūhaupi‘o’s loyalty to Kamehameha and his role at the battle of Moku‘ōhai, which also took place just south of Kahauloa, against the chief’s cousin, Kiwala‘ō. Although a lower chief, Kekūhaupi‘o fought so well in this battle that he came to be known as “Ko Kamehameha koa a waele makaihe” (Kamehameha’s warrior who weeds through men with a spear) and he became the most cherished companion of Kamehameha, outside of his own uncles. Kekūhaupi‘o continued to live at Ke‘ei and serve Kamehameha for the remainder of his life, which he lost not in battle, but at the sport of spear fighting.

Kealakekua Bay (more precisely the flats of Ka‘awaloa north of the current project area) is perhaps best known as the place where Captain Cook first made landfall on the island and then ultimately met his demise. The arrival of Europeans on Hawai‘i Island began a long series of events that would eventually, but not immediately, alter the Hawaiian way of life. As Major writes, “From the moment Cook and his crew arrived, relations between Native Hawaiians and outsiders were heavily influenced by the sailors’ need for supplies”. Because of Hawai‘i’s isolation in the mid-Pacific it made an excellent way point for Europeans and Americans involved in the East Indian and northwest American trade networks. Kealakekua Bay, with its excellent anchorage and abundant supply of food soon became the most frequented harbor by visitors to the island. Thus began the written history of Hawai‘i.

Captain James Cook and members of his crew provided the first European accounts of the coastal region in 1779. The journals and diaries of the expedition noted the political and religious importance of the area. Descriptions provided by John Ledyard and Lieutenant James King of the expedition described the coastal area to approximately 3 miles inland as being cultivated primarily in sweet potatoes (*‘uala*). These were grown in small enclosures separated by low walls (Ching 1971). Also grown in this coastal zone were sugar cane, wauke, and banana trees. Breadfruit trees (*ulu*) were cultivated in the area situated inland of this coastal habitation and agrarian zone. Archibald Menzies, who was a member of Captain George Vancouver’s 1792-1794 expeditions, provided descriptions of the coastal and upland areas and observed that the upper elevations were cultivated primarily in taro and ti.

Some of the first Europeans to reside permanently on the island, besides sailors who jumped ship, were Christian missionaries. In 1823, William Ellis visited this coastal area during his tour of the Island of Hawai‘i. After leaving Ke‘ei village for Hōnauanu, he described passing the location of the decisive battle of Moku‘ōhai where Kamehameha defeated his cousin Kiwala‘ō for control of half of the island of Hawai‘i. His description of the battlefield follows:

Since leaving Ke‘ei, we had seen several heaps of stones raised over the bones of the slain, but now became more numerous. As we passed along, our guide pointed out the place where Tairi, Tamehameha’s [Kamehameha’s] war-god, stood, surrounded by the priests, and, a little further on, he showed us the place where Tamehameha himself, his sisters, and friends, fought during the early part of the eighth day. A few minutes after we left it, we reached a large heap of stones overgrown with moss, which marks the spot where Kauikeouli [Kiwalao] was slain. (Ellis 1963:95)

In 1824, Reverend James Ely established the South Kona Mission Station on the flats of Ka‘awaloa (Maly and Maly 2002). The Mission set up not only churches in South Kona, but schools for formal education and the spread of the Christian word. Missionaries observed that about 2,000 Hawaiians lived on the south side of Kealakekua Bay.

The best source of documentation pertaining to native Hawaiian residency and land use practices – identifying specific residents, types of land use, crops cultivated, and features on the landscape – is found in the records of the *Māhele ‘Āina* (Land Division) which the King entered into with the chiefs and people in 1848. The “Land Division” gave native tenants an opportunity to acquire land (in fee-simple) that they lived on and actively cultivated.

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 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 as well. In 1848, the Hawaiian system of land tenure was radically altered by the *Māhele ‘Āina*. This change in land tenure was promoted by the missionaries and the growing Western population and business interests in the island kingdom. Generally these individuals were hesitant to enter business deals on leasehold land.

The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. As a result of the *Māhele*, all land in the Kingdom of Hawai‘i came to be placed in one of three categories: (1) Crown Lands (for the occupant of the throne); (2) Government Lands; and (3) *Konohiki* Lands. The “Enabling” or “Kuleana Act” (December 21, 1849) laid out the frame work by which native tenants could apply for, and be granted fee-simple interest in “*kuleana*” lands, and their rights to access and collection of resources necessary to their life upon the land in their given *ahupua‘a*. The lands awarded to the *hoa‘āina* (native tenants) became known as “Kuleana Lands.” All of the claims and awards (the Land Commission Awards or LCA) were numbered, and the LCA numbers remain in use today to identify the original owners of lands in Hawai‘i.

The *ahupua‘a* of Kahauloa 2nd was awarded as an *ali‘i* award to Kanele during the *Māhele*, LCAw. No. 32 (Royal Patent No. 1663). A review of the Waihona ‘Āina database indicates that at least nineteen *kuleana* were claimed in Kahauloa 2nd, three of which, all house lots, are situated adjacent to the northern boundary of the current study area. All of these awardees also claimed agricultural lands distant from their house lots, in more *mauka* sections of the *ahupua‘a*.

The population of South Kona declined during the early nineteenth century and Hawaiians maintained marginalized communities outside of the central population centers. These communities were located in the “out-of-the-way” places, like Ka‘awaloa Point, while the recently immigrated Asian and haole populations lived above the *pali*. In the aftermath of the *Māhele*, economic interests in the region swiftly changed from the traditional Hawaiian land tenure system of subsistence farming and regional trading networks to the more European based cash crops including coffee, tobacco, sugar, and pineapple, and emphasized dairy and cattle ranching. The earliest mention of a wharf at Ka‘awaloa Point was in 1853, and its construction insured the ability to effectively export these products and maintain a regional presence, as Kailua eventually became the primary political seat on the Hawai‘i Island.

Archaeological Studies and Current Assessment

Various archaeological studies in the Kahauloa region have documented a number of sites, some of which appear to be on or near the subject property. Most relevant were studies by Archaeological Research Center Hawaii (Ching 1971) of the Nāpo‘opo‘o-Hōnaunau Road Alignment (Alternate 2) for the County of Hawai‘i, Department of Public Works. The survey corridor ranged from coastal elevations to approximately one mile inland and extended for a total distance of almost four miles. These survey efforts identified a total of 144 archaeological features which were placed into seven major categories: habitation structures, enclosures, agricultural features, burials, trails, ahu, and miscellaneous (27 independent walls and one cistern). Because of the linear nature of this study (coursing across multiple *ahupua‘a* at varying elevations), it offered a unique opportunity to observe settlement strategies used for this particular environment along the southern Kona coastline. Nine of Ching’s sites (SIHP Sites 6006, 6008, 6009, 6014, 6015, 6016, 6017, 6018, and 6020) were identified within the subject property, including two walls, an animal enclosure, an agricultural enclosure, two burial complexes, a C-shape, a trail, and a lava void.

A statewide inventory conducted by the Hawai‘i State Office of Historic Preservation inspected and evaluated multiple sites in the general vicinity of Kahauloa. This effort, conducted between 1971 and 1975, contributed to defining the Kealakekua Bay Archaeological and Historical District and provided information on previously recorded sites south of the current project area as well as a summary of sites at Hōnaunau (McEldowney 1979).

During the first week in January 2007, Robert B. Rechtman, Ph.D., Matthew R. Clark, B.A., Mark J. Winburn, B.A., and Sandra Ireland, B.A. performed a systematic reconnaissance survey of the entire area encompassed by TMK: (3)8-3-05:001, along with two smaller properties (parcels 020 and 021) contained within the same lease. As discussed above, numerous archaeological features, some of them no doubt the ones Ching (1971) recorded, were encountered within Parcel 001. However, the specific areas where the gates are proposed to be constructed have been highly disturbed by prior mechanized activity and there are no archaeological resources present.

Impacts to Archaeological Sites and Mitigation Measures

By letter of June 9, 2009 (see Appendix 2; note incorrect year date on letter), Rechtman Consulting requested the Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) to issue a written determination of “no historic properties affected” in accordance with HAR 13§13-284-5(b)1, subject to the mitigation conditions listed below. By letter of July 2, 2009, the State Historic Preservation Division concurred with this finding, requesting that an archaeological inventory survey be conducted if additional activities were proposed that might disturb any other areas (see letter at end of Appendix 1a).

Archaeological survey has determined that no archaeological resources are present in the area to be affected. In the unlikely event that archaeological resources are encountered during gate construction activities, work in the immediate area of the discovery will be halted and DLNR-SHPD contacted as outlined in Hawai‘i Administrative Rules 13§13-275-12.

Cultural Resources and Consultation

When assessing potential cultural impacts to resources, practices, and beliefs; input gathered from community members with genealogical ties and/or long-standing residency relationships to the study area is vital. It is precisely to these individuals for whom meaning and value are ascribed to traditional resources and practices. Community members may also retain traditional knowledge and beliefs unavailable elsewhere in the historical or cultural record of a place. As part of the current assessment study several individuals were consulted; during these consultations other potential interested parties were identified that were also contacted.

An informal consultation was conducted at the Kahauloa Bay extended family residence of Maxiedel “Uncle Del” Navas and Lawrence Alu (uncle Del’s nephew). These individuals have strong genealogical ties to the area having descended from Hawaiians resident in Kahauloa dating from pre-*Māhele* times, and likely Precontact times. Uncle Del’s personal recollections of the current study area extend back to 1956, when he was a small boy walking the trails and roads and collecting water from the formerly several (now only one) *punawai* (springs) in and around Kahauloa Bay. He explained that before the houses in Keawaiki Beach Lots were built, there were essentially three ways to cross Kahauloa. Foot traffic for travel to Ke‘ei was along the old coastal trail where the houses are now (a segment of what is probably this trail remains on TMK maps; see Figure 3). Residents also engaged in subsistence activities while walking directly along the rocky shoreline. In addition, they used the roadway that is *mauka* of the houses for vehicular travel. His nephew Lawrence added that now the direct shoreline is impassible due to excessive vegetation planting, and that the lateral vehicle road has also been blocked to entry from the north in the vicinity of the Wilcox parcels. Both Uncle Del and Lawrence felt strongly that gating the Keawaiki Road is a bad idea, citing their perception of the cumulative impacts on traditional access across Kahauloa 2nd Ahupua‘a, that such access is being pushed further and further away from the shore.

Gordon Leslie was consulted by telephone. Gordon's genealogy ties him to South Kona and he is a resident at Manini Beach along the southern shore of Kealakekua Bay, situated just to the north of the current study area. He is culturally active in the community and has served as the chair of the cultural committee of a citizens group called Mālama Pono Kealakekua. In a 2002 legal proceeding, the Office of Environmental Quality Control recognized the organization Mālama Pono Kealakekua as an affected citizens group that must be consulted in the Environmental Assessment process relative to development of the State Park at Kealakekua Bay. Mr. Leslie related that his family once own land in the immediate vicinity of the study area. He also indicated that he thought the Keawaiki access road was constructed after 1964. Mr. Leslie was aware that the study parcel contained numerous archaeological features and concurred that the placement of gates would likely not directly adversely impact any such features. However, he was resistant to the concept of the gates, as he felt that all of the former traditional access ways between Kahauloa Bay and Ke'ei have already been extinguished, citing the houses constructed on the ancient foot trail and the blocking of the part of Keawaiki Road that fronts the Keawaiki Beach Lots. Mr. Leslie responded to the Draft EA (see App. 1b) with concerns about being misquoted (this EA has removed statements that Mr. Leslie said were inaccurate), questioned the presence of burials on the property, and provided contextual information about Kamehameha School's development of the Keawaiki Beach Lots that helped explain his opposition to the general public not being able to drive on the road.

Steven Wilcox was also contacted by telephone. His family (a *kama'āina* family with genealogical ties to Kaua'i) has owned and resided on five parcels at Kahauloa Bay adjacent to the Keawaiki Beach Lots for over 30 years. Steven's father Allen C. Wilcox, Jr. first moved to the area in the early 1970s and lived there until his passing in 2003. Steven related that from his experience the only traditional and customary use of the area has been fishing that occurs along the rocky shoreline fronting his family's properties and the Keawaiki Beach Lots. Steven expressed support for the placement of the gates on Keawaiki Road, which also provides access to his family's property.

Based on a referral from Lawrence Alu, Michael Matsukawa of the community group Mālama Pono Kealakekua was contacted by telephone. He related that the group Mālama Pono Kealakekua has been idle for several years (although Mr. Leslie clarified in his comment letter that the Cultural and Planning Committee remains active). He had no comment with respect to the proposed gate installation on Keawaiki Road.

Cultural Impacts and Mitigation Measures

As discussed above, an archaeological reconnaissance determined that no archaeological resources (which may have cultural and well as historical value) were present in the area impacted by the proposed placement of the gates. In fact, the placement of the gates may serve to help protect the archaeological resources that were identified within the larger study area. Inadvertent damage to archaeological features was observed during the reconnaissance, which was likely the result of off-road vehicle activity. The placement of the gates would definitely curtail such activity.

Likewise, consultation with community members did not identify any specific resources such as gathering practices, ceremonial sites, or traditional cultural properties that would be impacted by the proposed construction of the gates. However, consultation brought to light one potential access-related cultural impact. It is felt by some that the placement of the gates will exclude individuals in the community from driving on a road that they have been accustomed to using for many years, a road that at some level substitutes for an ancient foot trail that was displaced by creation in the 1960s of the Keawaiki Beach Lots. While the placement of the gates will certainly limit vehicular through-traffic on Keawaiki Road, it will in no way preclude pedestrians from traveling along Keawaiki Road between Pu‘uhonua Road and Ke‘ei Beach Road. In fact, a special gate and cindered walkway will be established adjacent to the gate structure for the express purpose of facilitating pedestrian travel.

To confirm this finding and determine whether there may be additional concerns, this Draft EA was distributed to the consulted individuals and a number of Native Hawaiian organizations including the Honolulu and West Hawai‘i offices of the Office of Hawaiian Affairs (OHA), and the Kona Hawaiian Civic Club for their input. OHA stated that that based on the information supplied they had no objections. Gordon Leslie of the Cultural and Planning Committee of Malama Pono Kealakekua clarified and corrected some of the statements that had been attributed to him based on an interview (see letter in App. 1b). He also disputed the presence of burials and the cause of the degradation of archaeological sites asserted by the applicant, and stated that it was not pono to take away the historical alanui kahakai. In response, the archaeologist says that there are multiple burials that require protection. The applicant notes that although public vehicular access would be prevented, the gating is not occurring on an alanui kahakai, no restriction of pedestrian access would occur and there is no shoreline access from the roads being gated. No other party reviewing the Draft EA supplied any information concerning this subject.

3.4 Public Services, Facilities and Utilities

Environmental Setting, Impacts and Mitigation Measures

Electricity would be supplied to the site by Hawai‘i Electric Light Company through a proposed underground power line from the Keawaiki Beach Lots area. No other utilities are required or affected, and there are no impacts to public facilities such as roads, parks, or schools. Public access is discussed in Section 1.1. In response to the Draft EA (see letters in Appendix 1b), the Hawai‘i County Police Department and a resident questioned whether emergency response or evacuation would be slowed or prevented by the gates. The applicants intend to install a “Knox Box” type of lock on the subject gate. The applicants must apply through the Hawai‘i County Fire Department to register and obtain the necessary lock, and emergency services have a universal key that will open all Knox Boxes.

3.5 Secondary and Cumulative Impacts

Due to its small scale, 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. Various single-family homes are in construction in the Napo‘opo‘o area, but few in the immediate vicinity of the project site.

The coastal area around Napo‘opo‘o, a distance of less than a mile, has seen greater recreational use of the bay in large part as a result of increased number of purveyors of water craft such as kayaks. Settlement is scattered, with concentrations in small subdivisions such as Keawaiki Beach Lots. Napo‘opo‘o Beach

Park is a popular destination for both residents and visitors. Cumulatively, the in-filling of residential areas along this coastline will gradually lessen the rural character.

Kamehameha Schools (KS) is currently drafting a Management Plan for approximately 195 acres of its holdings near Ke‘ei for residential and conservation assets and aligning the plan with its mission, vision and strategic goals. The plan is viewed by KS as an opportunity to considerably increase the cultural, environmental, educational and community returns of these assets and to improve the region as a whole. At this point, no specific plans are available.

The adverse effects of building the gates are negligible and temporary disturbance to noise and visual quality during construction. Other than the precautions for preventing any effects to water quality during construction listed above in Section 3.2.1, no special mitigation measures should be required to counteract the small adverse cumulative effect.

3.6 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

3.7 Consistency With Government Plans and Policies

3.7.1 Hawai‘i County General Plan

The *General Plan* for the County of Hawai‘i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai‘i. The plan was adopted by ordinance in 1989 and revised in 2004 (Hawai‘i County Department of Planning 2005). The *General Plan* itself 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. Most relevant to the proposed project are the following Goal and Policies, and Courses of Action:

ECONOMIC GOALS

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

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

Strive for diversity and stability in the economic system.

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 action is in balance with the natural, cultural and social environment of the County, and it would create temporary construction jobs for local residents and indirectly affect 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.

ENVIRONMENTAL QUALITY GOALS

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.

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

ENVIRONMENTAL QUALITY POLICIES

Take positive action to further maintain the quality of the environment.

ENVIRONMENTAL QUALITY STANDARDS

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.

Incorporate environmental quality controls [are to be incorporated] either as standards in appropriate ordinances or as conditions of approval.

Discussion: The proposed action would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. The gate would be compatible with the preservation of and appropriate access to recreational and historic site uses in the area.

HISTORIC SITES GOALS

Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii.

Appropriate access to significant historic sites, buildings, and objects of public interest should be made available.

HISTORIC SITES POLICIES

Agencies and organizations, either public or private, pursuing knowledge about historic sites should keep the public apprised of projects.

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.

Public access to significant historic sites and objects shall be acquired, where appropriate.

Discussion: Archaeological resources would be better protected by the proposed action, by limiting the chance for degradation by off-road vehicles or looting.

FLOOD CONTROL AND DRAINAGE GOALS

Conserve scenic and natural resources.

Protect human life.

Prevent damage to man-made improvements.

Control pollution.

Prevent damage from inundation.

Reduce surface water and sediment runoff.

FLOOD CONTROL AND DRAINAGE POLICIES

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.

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

FLOOD CONTROL AND DRAINAGE STANDARDS

Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawaii County Code.

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

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

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 the 100-year floodplain, according to the Flood Insurance Rate Maps (FIRM). The improvements are subject to review by the Hawai‘i County Department of Public Works to ensure that all relevant standards of Chapter 27 and Chapter 10 are addressed.

NATURAL BEAUTY GOALS

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

Protect scenic vistas and view planes from becoming obstructed.

Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

NATURAL BEAUTY POLICIES

Increase public pedestrian access opportunities to scenic places and vistas.

Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews.

Do not allow incompatible construction in areas of natural beauty.

Discussion: The construction of the gates will take place on an existing road in an area with existing residences and the structures will not be incongruous with their surroundings. Because of distance and intervening topography and vegetation, the shoreline is not visible from Pu‘uhonua Road, and no visual impact upon the shoreline is expected.

NATURAL RESOURCES AND SHORELINES GOALS

Protect and conserve the natural resources of the County of Hawaii from undue exploitation, encroachment and damage.

Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.

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

Ensure that alterations to existing landforms and vegetation, except crops, 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 earthquake.

NATURAL RESOURCES AND SHORELINES POLICIES

The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.

Encourage the use of native plants for screening and landscaping.

Discussion: The proposed action would not occur near the shoreline. Impacts to existing natural landforms and vegetation have been mitigated through permit-regulated Best Management Practices to avoid any impacts related to flooding, landslides, sedimentation or other similar impacts.

LAND USE GOALS

Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

LAND USE POLICIES

Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

LAND USE, OPEN SPACE GOALS

Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.

Protect designated natural areas.

LAND USE, OPEN SPACE POLICIES

Open space shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

Discussion: The proposed gates would not detract from the open space in the area.

3.7.2 Special Management Area

The proposed land use would appear to comply with provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled *Coastal Zone Management*. 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. As stated previously, the Hawai'i County Planning Department is awaiting a decision on how to proceed with the SMA permit pending an abstract on a trail to determine if Keawaiki Road is considered a trail under the Highways Act of 1892 (see App. 1b).

The proposed improvements are not likely to result in any substantial adverse impact on the surrounding environment. The proposed gates are not located on 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, the viewplanes towards the property will not be adversely impacted, as the gates are relatively distant from the highway with tall vegetation between the highway and the gates. The improvements will not be unduly visually imposing or out of character. Historic sites and cultural uses have been properly assessed. 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 not extremely common. Areas with native plants will not be affected by the proposed project. 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 approximately 250 feet mauka of the shoreline and would not affect any beaches nor adversely affect public use and recreation of the shoreline in this area. No effects on marine or groundwater will occur, and no impacts to marine resources are expected.

3.7.3 Conservation District

The property is in the State Land Use Conservation District, in the General subzone. Any proposed use must undergo an examination for its consistency with the goals and rules of this district and subzone. The applicant has concurrently prepared a Conservation District Use Application (CDUA), to which this EA is an Appendix.

The CDUA includes a detailed evaluation of the consistency of the project with the criteria of the Conservation District permit process. Briefly, the following individual consistency criteria should be noted:

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

The placement of gates on these two private roads will help conserve, protect and preserve the historic and cultural features on the subject properties. The proposed action is an identified land use within the General subzone and is consistent with the purpose of the district as defined in Chapter 13-5, HAR. The proposed action will positively impact the natural resources of the State and it will not be detrimental to the public health, safety or welfare. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District. The proposed action will not subdivide the property and will not lead to any increase in intensity of use beyond currently permitted uses.

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

The objective of the General subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. These lands encompass lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban, rural or agricultural use.

The proposed action is a permitted use in the general subzone under Section 13-5-25, G-2, and will not create any hazards for the public. In the past the Board of Land and Natural Resource approved several applications for single-family residences in the Keawaiki Beach Lots. This is a residential subdivision and the approval of this permit and proposed action to install these vehicular gates will not add any additional urban uses to this area. Furthermore, the gating of these two roads will help secure the area and its historic features from careless disruption or intentional vandalism.

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 purpose of Chapter 205A, HRS, and the Special Management Area (SMA) Rules and Regulations of the County of Hawai'i are to preserve, protect and to restore the natural resources of the coastal zone areas. Special controls on development in the coastal zone area are needed to avoid permanent loss of resources. The proposed land use complies with Chapter 205A and SMA rules and regulations. Placement of gates on these access roads is considered accessory to the existing single-family residences in the area and may be determined to be an exempt action under the County's Special Management Area (SMA) guidelines, Planning Commission, Rule 9.

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 Hawai'i County Planning Department has previously confirmed that single family dwellings in this subdivision were exempt from SMA Rules for previous CDUPs. They will be asked to make that same determination for this proposed action.

The proposed improvements are not likely to result in any substantial adverse impact on the surrounding environment. The proposed gates are approximately 300 feet and 800 feet, respectively, from the shoreline, and they will not restrict any shoreline uses such as hiking, fishing or water sports. Furthermore, neither the viewplanes to and along the shoreline towards the property nor the viewplane from any adjoining roadway, would be adversely impacted, as the gates are set well back from the ocean. 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. In terms of beach protection, construction is set back hundreds of feet from the shoreline and would not affect any beaches nor adversely affect public use and recreation of the shoreline in this area. The current private roads do not provide public access to the shoreline or any park facilities. No impacts on marine resources are likely to occur.

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

The construction activities of these two gates will be confined to the subject property and will not have any adverse impact on the natural resources of the area, community or region. The lots are located immediately adjacent and mauka of a residential neighborhood, Keawaiki Beach Lots, developed in 1968, with single family residences already present. While currently vacant, the lots have suffered trespassing, camping and disturbance of historic features.

Due to the lack of native ecosystems and threatened and endangered plant species, no adverse impacts are expected to occur as a result of the construction of the gate improvements. Construction activities will generate temporary, intermittent, short-term impacts affecting air quality and noise levels. This will be mitigated with established construction practices that will limit the construction activities to day time hours. There will be no development generated runoff directed toward adjacent properties. All gate structures and related construction activities will be conducted in conformance with applicable requirements in the Hawai'i County Code and the Uniform Building Code. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved. The construction activities of these two gates will be confined to the Bundrant's leased lot and will not have any adverse impact on the natural resources of the area, community or region. The physical beauty of the lot will not be affected materially by the gate construction and existing landscaping along the roads, and open space will be preserved.

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;

These lots are immediately adjacent and mauka of the Keawaiki Beach Lots which were developed as a residential subdivision in 1968. The proposed land use, gates on the two access roads, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific property. The installation of these gates is a specific requirement of the landowner in their lease to the applicants for this property

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;

Air quality and noise levels will not be affected, except for minor temporary effects during the gate construction period. No significant impact to the visual scenery is expected as the gates are designed to blend into the surrounding area. The site is not described in any State or County plan that identifies important views for the area.

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

The property will not be subdivided and there will be no increase to the intensity of land uses. The proposed action involves the construction of two gates in compliance with HAR 13-5 and all State and County codes.

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

The proposed action will not be materially detrimental to the public health, safety and welfare. In general, geologic and drainage conditions impose no substantial constraints on the project. All structures associated with the proposed gates would conform to the Uniform Building Code. Although the project is located in an area exposed to a certain amount of hazard from lava flows and earthquake, the project presents no additional hazard to the public. Landowners and residents of high-hazard lava inundation areas have been made aware of the potential and accept the risk when they purchase and/or inhabit such areas.

The project site is designated “X”, defined as areas outside the 500 year flood plain, on the Flood Insurance Rate maps (FIRM). Maps printed by the Hawaii County Civil Defense Agency locate the parcel in the area that should be evacuated during a tsunami warning.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 3 (on a scale of ascending risk 9 to 1). Zone 3 consists of areas on both sides of the northeast and southwest rift zones of Mauna Loa (Heliker 1990). About 15-20 percent of Zone 3 areas have been covered by lava flows in the last 750

years. The nearest lava flow is the northern branch of the 1950 lava flow, about 7 miles south. As such, there is some risk of lava inundation over relatively short time scales.

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

3.7.4 Kona Community Development Plan

The Kona Community Development Plan (Kona CDP) was adopted by the County Council on September 25, 2008 under Ordinance 08-131. The Kona CDP translates the broad goals and policies of the *County of Hawai‘i General Plan* into specific actions and priorities for specific geographic areas in the districts of North Kona, reaching nearly to Waikoloa Village, and South Kona, including the community of Miloli‘i. The Kona CDP deals with all the elements included in the General Plan such as the economy, energy, environmental quality, flooding and other natural hazards, historic sites, natural beauty, natural resources and shoreline, housing, public facilities, recreation, transportation, and land use. The *General Plan* requires Community Development Plans be adopted by the County Council as an “ordinance”, giving the plans force of law. This is in contrast to plans of the past that were adopted by resolution, and therefore, served only as guidelines or reference documents for decision-makers. Community Development Plans are to be long-term plans with a planning horizon to year 2020, consistent with the *General Plan*.

The purposes of the Kona CDP are to:

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

The draft CDP states that:

“Outside of the Urban Area, the character of the rural areas should prevail. This means that limited future growth should be directed to the existing rural towns and villages in a way that revitalizes and enhances the existing rural lifestyle and culture of those communities. Outside of these towns and villages, the protection of important agricultural land is a priority objective. Protecting these lands requires regulations and incentives that will keep these lands available for agricultural use. Any development outside of the rural

towns and villages should be directed to suitable areas that are not important for agriculture, in clustered patterns that will optimize the preservation of rural open space.”

The proposed security gates help preserve historic sites and do not affect viewplanes, agricultural uses, or open space, and would not affect the rural ambience of this part of Kona.

PART 4: DETERMINATION, FINDINGS AND REASONS

4.1 Determination

Based on evaluation of the environmental setting and the findings below, and upon consideration of comments to the Draft EA, the Hawai‘i State Board of Land and Natural Resources is expected to determine that the Proposed Action will not significantly alter the environment, as impacts will be minimal, and is expected therefore to issue a Finding of No Significant Impact (FONSI).

4.2 Findings and Reasons

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

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* Native plant communities are not present and historic sites would be given more protection by the action. Consultation with community members did not identify any specific resources such as gathering practices, ceremonial sites, or traditional cultural properties that would be impacted by the proposed construction of the gates. Despite the continuation of pedestrian access, however, several community members who were consulted about cultural impacts opposed the idea of excluding them from driving on a road that they have been accustomed to using for many years, a road that at some level substitutes for an ancient foot trail that was displaced by creation in the 1960s of the Keawaiki Beach Lots.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State’s long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and environmentally benign and positive, 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 South Kona 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. The rural character of the project area would not be affected by the security gates.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign and positive, and thus would not contribute to environmental degradation.
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The site supports 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 two security gates are very minor and consist of temporary impacts to noise, and visual quality during construction. The gates are not directly adjacent to 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 3.2.2, 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.* The proposed gates would not be located within a flood zone or other area with hazards that preclude such a use.
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* Because of distance and intervening topography and vegetation, no visual impact upon coastal areas is expected. The lava-rock design of the gates would be in character with the neighborhood, which includes a number of single-family residences and stone walls.
13. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction and operation of the gates.

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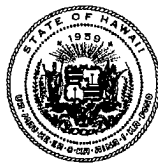
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ENVIRONMENTAL ASSESSMENT

GATING OF ACCESS ROADS IN THE CONSERVATION DISTRICT AT KAHAULOA

**TMK (3rd): 8-3-005:001
Kahauloa, South Kona, Island of Hawai'i, State of Hawai'i**

APPENDIX 1A Early Consultation Comment Letters



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

HRD08/2740

July 15, 2008

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

RE: Pre-Consultation on Environmental Assessment for Construction of Single-Family Dwelling at TMKs (3) 8-3-005: 001, 020, & 021. South Kona District, Island of Hawai'i

Aloha e Ron Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated June 13, 2008. The proposed project involves the use of land within the Conservation Land District and will require an Environmental Assessment (EA) and Conservation District Use Application (CDUA). OHA has reviewed the project and offers the following comments.

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. The Hawaii Revised Statutes mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians." (HRS § 10-3)

The DEA, per Chapter 343 of the Hawaii Revised Statues (HRS), should include a Cultural Impact Assessment (CIA). In accordance with the requirement of Act 50, Session Laws of Hawaii 2000, a CIA shall include information relating to the practices and beliefs of the Native Hawaiians who once inhabited this area, and it is recommended that the community be involved in this assessment.

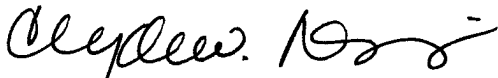
Ron Terry, Principal
July 15, 2008
Page 2

OHA requests that a comprehensive archaeological inventory survey for the project area be conducted and submitted to the Department of Land and Natural Resources – Historic Preservation Division for review and approval. OHA should be allowed the opportunity to comment on the criteria assigned to any cultural or archaeological sites identified within the archaeological inventory survey. Consideration must also be afforded to any individuals accessing the project area for constitutionally protected traditional and customary purposes, in accordance with the Hawai'i State Constitution, Article XII, section 7.

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

Thank you for the opportunity to comment. If you have further questions, please contact Jason Jeremiah (808) 594-1816 or e-mail him at jasonj@oha.org.

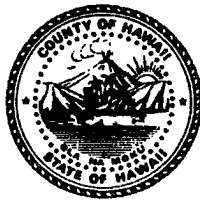
'O wau iho nō me ka 'oia 'i'o,



Clyde W. Nāmu'o
Administrator

C: OHA Kona CRC Office

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

August 7, 2008

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

Dear Mr. Terry:

SUBJECT: Pre-Consultation on Environmental Assessment
Landowners: Charles and Diane Bundrant
Project: 1) Consolidation/Resubdivision of 3 Lots into 3 Lots
2) Relocation of an Easement from Ke'ei Road to Keawaiki Beach Lots
3) Construction of a Single-Family Dwelling & Related Improvements
on One Lot
Tax Map Key: 8-3-5:1, 20 & 21, South Kona, Hawaii

This is in regards to your letter dated June 13, 2008 requesting our comments for an Environmental Assessment on the above referenced project. We apologize for the lateness of this response.

We note the following:

1. The parcels are owned by B.P. Bishop Estate Trustees.
2. According to Real Property Tax Records, Parcel 1 consists of 24.55 acres, Parcel 20 consists of 0.2296 acre and Parcel 21 consists of 0.79 acre.
3. The General Plan's Land Use Pattern Allocation Guide (LUPAG) Map designation of the subject parcels is Open.
4. The three parcels are designated Conservation by the State Land Use Commission.
5. For parcels that are designated Conservation by the State Land Use Commission, there is no County zoning per se.

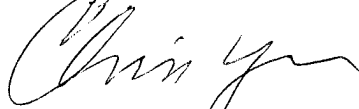
Mr. Ron Terry
Geometrician Associates LLC
Page 2
August 7, 2008

6. The subject parcels are located within the Kealakekua Bay Historical District. Since it is a use within a Historic site or District as designated in the National or Hawaii Register of Historic Sites, this is another “trigger” that requires the preparation of an environmental assessment.
7. Although it is located within the County’s Special Management Area, none of the parcels have frontage along the coastline.
8. Due to the presence of trails within the Kahauloa area, we recommend that you contact Na Ala Hele for their comments.
9. Valued cultural resources which include traditional and customary native Hawaiian rights that are exercised in the area should be discussed.
10. Permits required:
 - a. A Special Management Area Use Permit Assessment Application will be required prior to any consolidation/resubdivision action as well as for any construction activity or improvements on the subject parcels.
 - b. Subdivision approval will be required.
 - c. Plan Approval is required for all new structures and additions to existing structures.

Thank you for the opportunity to provide preliminary comments. Please provide us with a copy of the Draft Environmental Assessment for our review and file.

If you have questions, please feel free to contact Esther Imamura of this office at 961-8288, extension 257.

Sincerely,

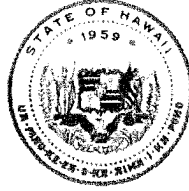


CHRISTOPHER J. YUEN
Planning Director

ETI:cs

P:\wpwin60\ETI\AdraftPre-consul\Terry Bundrant 8-3-5-1-20-21.rtf

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 19, 2008

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

LOG NO: 2008.2125
DOC NO: 0809MD75
Archaeology

Dear Mr. Terry:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Request for Pre-Consultation on an Environmental Assessment
Kahauloa Ahupua`a, South Kona District, Island of Hawaii
TMK: (3) 8-5-005:001, 020 & 021**

Thank you for the opportunity to comment on the aforementioned application, which we received on June 16, 2008. We apologize for the delay in our reply. This EA is being prepared for the proposed construction of a single-family dwelling within the State Land Use District.

We understand that an archaeological inventory survey is being prepared for this property, and that archaeological sites are present. We further understand that the archaeological sites will be contained within a parcel that will not be developed, but we have not yet seen any reports or plans that confirm this.

We would like a chance to review the draft EA when it has been prepared. If you have questions about this letter please contact Morgan Davis at (808) 981-2979.

Aloha,

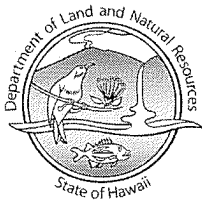
A handwritten signature in cursive script that reads "Nancy A. McMahon".

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

Cc:

Christopher J. Yuen, Director
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-4224

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

RUSSELL Y. TSUIH
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

July 2, 2009

Robert B. Rechtman, Ph.D.
Rechtman Consulting, LLC
507-A E. Lanikaula Street
Hilo, Hawaii 96720

LOG NO: 2009.2448
DOC NO: 0907MD05
Archaeology

Dear Dr. Rechtman:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Request for “No Effect” for Fencing to be Installed by Lessee on KS Lands
Kahauloa 2nd Ahupua`a, South Kona District, Island of Hawaii
TMK: (3) 8-3-005:001, 020 & 021**

Thank you for the opportunity to review the aforementioned project, which we received on June 9, 2009. The applicants, Chuck and Diane Bundrant, are lessees under Kamehameha Schools (KS).

We agree that gates at the two current access roads in the locations recorded in your letter to us (RC-0454) will have no effect on historic properties. Please note that this determination of “no effect” applies *only* to the installation of these two specific gates; any other future requests for comment will include our recommendation for an archaeological inventory survey as known, unrecorded sites are present in these parcels.

In the event that historic resources, including human skeletal remains, cultural materials, lava tubes, and lava blisters/bubbles are identified during the construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Hawaii Island Section, needs to be contacted immediately at (808) 933-7653.

If you have questions about this letter please contact Morgan Davis at (808) 933-7650.

Aloha,

A handwritten signature in black ink, appearing to read "Theresa K. Donham".

Theresa K. Donham, M.A., Lead Archaeologist
Hawaii Island Section, State Historic Preservation Division

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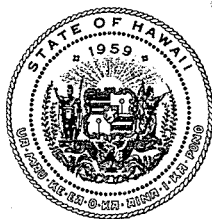
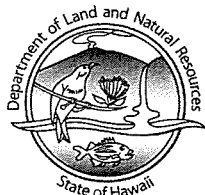
ENVIRONMENTAL ASSESSMENT

GATING OF ACCESS ROADS IN THE CONSERVATION DISTRICT AT KAHAULOA

**TMK (3rd): 8-3-005:001
Kahauloa, South Kona, Island 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:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010

Gregory R. Mooers
Mooers Enterprises, LLC
P.O. Box 1101
Kamuela, Hawai'i 96743

JAN 12 2009

SUBJECT: Conservation District Use Application (CDUA) HA-3530 for Security Gates on Private Access Road for Keawaiki Beach Lots, Located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021

Dear Mr. Mooers:

This letter is regarding the processing of CDUA HA-3530. The public and agency comment period on this application has closed (January 8, 2010). Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding your client's CDUA. If you have received any other comments for the CDUA or the Environmental Assessment (EA), please forward a copy of those to our office. Please send copies of your responses to the questions raised in these letters directly to the authoring agency and individuals as well as to the OCCL.

The Final EA needs to include your responses to the queries raised in these letters. These responses can be attached to the end of the Final EA. Please send 2 hard copies and 1 PDF of the Final EA to the OCCL **no later than February 16, 2009**. In addition, please send an electronic copy of the Office of Environmental Quality Control (OEQC) Publication Form to the OEQC and include a hard copy of the submitted publication form with the Final EAs, and if the project summary has changed, a new summary.

Should the OCCL determine a Finding of No Significant Impact (FONSI) for the EA, your CDUA will be forwarded to the Board for their consideration. Early submittal of your response to comments will expedite the review process. Should you have questions, please contact Audrey Barker of our office at (808) 587-0377 or audrey.l.barker@hawaii.gov.

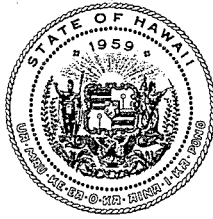
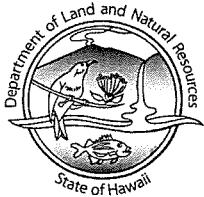
Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo", written over a large, stylized circular scribble.

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

Attachments

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

RECEIVED
LAND DIVISION
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DEPT. OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUJI
DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOARD AND RECREATION
BUREAU OF COAST GUARDS
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
HISTORIC AND WILDLIFE
PRESERVATION
LAND PRESERVATION COMMISSION
STATE PARKS

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530
Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010
SUSPENSE DATE: December 23, 2009

MEMORANDUM

TO:

State Agencies:

- _____ DLNR-Hawai'i District Land Office
- _____ DLNR-DOFAW, Na Ala Hele
- _____ DLNR-Historic Preservation
- ✓ _____ DLNR-Engineering Division, Flood
- _____ DLNR-DOCARE
- _____ Office of Hawaiian Affairs
- _____ DOH-Environmental Planning Office
- _____ State Civil Defense

County Agencies:

- _____ Hawai'i Planning Department
- _____ Hawai'i Public Works Department
- _____ Hawai'i Police Department
- _____ Hawai'i Fire Department
- _____ Hawai'i Civil Defense Agency

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots

APPLICANT:

Charles and Diane Bundrant

TMK:

(3) 8-3-005:001, 020, and 021

LOCATION:

Kahauloa, South Kona, Hawai'i

PUBLIC HEARING: No

RECEIVED
OFFICE OF CONSERVATION AND COASTAL LANDS
DEC 28 11 18 AM '09
DEPT. OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

NOV 23 PM 03:08 ENGINEERING

Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- (✓) Comments Attached
- () No Comments

Samuel J. Lemmo
Signature

12/22/09
Date

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

LM/MorrisAtta

REF.: CDU Application for Security Gates on Private Access Rd for Keawaiki Beach Lots
Hawaii.003

COMMENTS

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

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

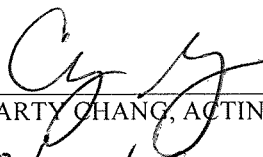
- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Department of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

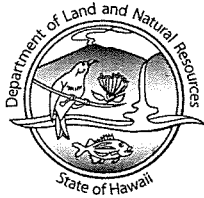
() Additional Comments: _____

() Other: _____

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: 
CARTY CHANG, ACTING CHIEF ENGINEER
Date: 12/22/09

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 NOV 24 11:48
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010
SUSPENSE DATE: December 23, 2009

MEMORANDUM

TO:

State Agencies:

- DLNR-Hawai'i District Land Office
- DLNR-DOFAW, Na Ala Hele
- DLNR-Historic Preservation
- DLNR-Engineering Division, Flood
- DLNR-DOCARE
- Office of Hawaiian Affairs
- DOH-Environmental Planning Office
- State Civil Defense

County Agencies:

- Hawai'i Planning Department
- Hawai'i Public Works Department
- Hawai'i Police Department
- Hawai'i Fire Department
- Hawai'i Civil Defense Agency

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

Samuel J. Lemmo
2009 DEC - 11 3:25
RECEIVED
LAND DIVISION

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HS-0 for Security
Gates on Private Access Road for Keawaiki Beach Loop

APPLICANT: Charles and Diane Bundrant
TMK: (3) 8-3-005:001, 020, and 021
LOCATION: Kahauloa, South Kona, Hawai'i
PUBLIC HEARING: No

2009 DEC - 4 10:17
RECEIVED
LAND DIVISION
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

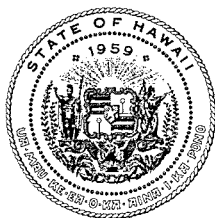
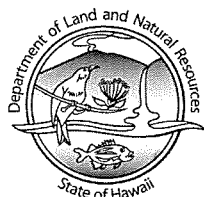
Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- Comments Attached
- No Comments

Audrey Barker 12-2-09
Signature Date

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 LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010
SUSPENSE DATE: December 23, 2009

MEMORANDUM

TO:

State Agencies:

County Agencies:

- _____ DLNR-Hawai'i District Land Office
- ✓ _____ DLNR-DOFAW, Na Ala Hele
- _____ DLNR-Historic Preservation
- _____ DLNR-Engineering Division, Flood
- _____ DLNR-DOCARE
- _____ Office of Hawaiian Affairs
- _____ DOH-Environmental Planning Office
- _____ State Civil Defense

- _____ Hawai'i Planning Department
- _____ Hawai'i Public Works Department
- _____ Hawai'i Police Department
- _____ Hawai'i Fire Department
- _____ Hawai'i Civil Defense Agency

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots

APPLICANT:

Charles and Diane Bundrant

TMK:

(3) 8-3-005:001, 020, and 021

LOCATION:

Kahauloa, South Kona, Hawai'i

PUBLIC HEARING: No

Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

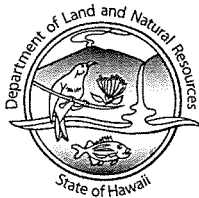
Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- Comments Attached
- No Comments

Signature
PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

NOV 30 2009
Date

LINDA LINGLE
GOVERNOR OF HAWAII



NOV 25 PM 3:13

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
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LAND
STATE PARKS

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

NOV 23 2009

REF:OCCL:AB

CDUA: HA-3530

Acceptance Date: November 25, 2009
180-Day Expiration Date: May 24, 2010
SUSPENSE DATE: December 23, 2009

MEMORANDUM

TO:

State Agencies:

- _____ DLNR-Hawai'i District Land Office
- _____ DLNR-DOFAW, Na Ala Hele
- _____ DLNR-Historic Preservation
- _____ DLNR-Engineering Division, Flood
- _____ DLNR-DOCARE
- _____ Office of Hawaiian Affairs
- _____ DOH-Environmental Planning Office
- _____ State Civil Defense

County Agencies:

- _____ Hawai'i Planning Department
- _____ Hawai'i Public Works Department
- _____ Hawai'i Police Department
- _____ Hawai'i Fire Department
- _____ Hawai'i Civil Defense Agency

FROM:

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

SUBJECT:

REQUEST FOR COMMENTS
Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots

APPLICANT:

Charles and Diane Bundrant

TMK:

(3) 8-3-005:001, 020, and 021

LOCATION:

Kahauloa, South Kona, Hawai'i

PUBLIC HEARING: No

2009 DEC 29 11:49 AM
RECEIVED
OFFICE OF CONSERVATION AND COASTAL LANDS
DEPT. OF LAND AND NATURAL RESOURCES
STATE OF HAWAII
Samuel J. Lemmo

Attached please find the CDUA HA-3530 and our Department's notice to the applicant. We would appreciate your office's review and comment on this application. If no response is received by the **December 23, 2009**, we will assume there are no comments.

Please contact Audrey Barker at (808) 587-0316 should you have any questions on this matter.

- () Comments Attached
- No Comments

Samuel J. Lemmo
Signature

DEC 17 2009
Date

0678

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

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

Dear Mr. Lemmo:

Subject: Response to Comments on Conservation District Use Application HA-3530 and Draft Environmental Assessment for Gating of Access Roads in the Conservation District at Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona District, Island of Hawai'i

I am in receipt of your letter to project planner Greg Mooers of January 12, 2010, transmitting the agency and public comments that DLNR received on the project and providing instructions for submittal of the Final EA to your office. We have not received any comments other than the ones you provided.

In the interest of a complete record on comment letters to the EA/CDUA, I would like to acknowledge receipt of comments contained within your transmittal letter as well as form memos circulated by your office. Below are responses to your comments to the DLNR branches and divisions that supplied comments. We also acknowledge the no-comment checkmarks from the Hawai'i District Land Office, DOFAW-Na Ala Hele, and the Hawai'i Fire Department.

Engineering Division

Thank you for confirming the Draft EA's statement that the gate areas are within Flood Zone X.

We have also provided you with copies of our responses to the letters you provided from the Department of Health, the Office of Hawaiian Affairs, the Office of State Civil Defense, the Hawai'i County Planning Department, the Hawai'i County Department of

Public Works, the Hawai'i County Police Department, and Gordon Leslie of the Cultural and Planning Committee of Malama Pono Kealakekua. I have attached copies of our responses to them to this letter.

Thank you for circulating the EA and CDUA for review by DLNR and other agencies. If you have any questions about the EA, please contact me at (808) 969-7090; for questions about the project or CDUA, please contact Greg Mooers, Project Planner, at 880-1455.

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

attachments

cc: Greg Mooers (no attach.)

LINDA LINGLE
GOVERNOR OF HAWAII



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

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

2010 JAN -5 A 8:55

In Reply, please refer to:

EPO-09-165
DEPARTMENT OF HEALTH & HUMAN SERVICES
STATE OF HAWAII

December 30, 2009

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

Dear Mr. Lemmo:

SUBJECT: CDUA HA-3530
Conservation District Use Application for Gates on Private Road Access for
Keawaiki Beach Lots
Kahauloa, South Kona, Island of Hawaii, Hawaii
TMK: (3) 8-3-005: 001, 020 and 021

Thank you for allowing us to review and comment on the subject application. The application was routed to the various branches of the Environmental Health Administration. We have the following Wastewater Branch and General comments.

Wastewater Branch

The document proposes to erect two (2) vehicular gates on existing private access roads on a 25.5696 acre undeveloped property in Kahauloa 2nd Ahupuaa in South Kona. It is stated that the purpose of the gates is to help protect archaeological sites on the property and to provide access to any public resources such as the shoreline or parks. Further, subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.

The project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed. It appears that there is no domestic wastewater generation. Therefore, we have no objections to the proposal and offer our recommendation for approval as domestic wastewater treatment or disposal is not an issue with this proposal.

Should there be domestic wastewater generation, plans for proper treatment and disposal should be submitted and approved prior to use. We then encourage the developer to utilize recycled wastewater for irrigation and other non-potable water purposes in open space and landscaping areas.

Mr. Lemmo
December 30, 2009
Page 2

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

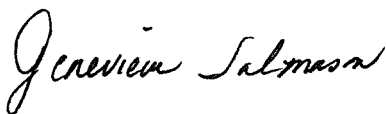
General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that State and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



GEVEVIEVE SALMONSON, Acting Manager
Environmental Planning Office

c: EPO
WWB
EH-Hawaii

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

Genevieve Salmonson, EPO Manager
Hawai'i State Dept. of Health
P.O. Box 3378
Honolulu HI 96801-337

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Ms. Salmonson:

Thank you for your comment letter addressed to Sam Lemmo and dated December 30, 2009, on the Draft EA and CDUA. In answer to your specific comments:

1. *Wastewater.* Thank you for the information on the Critical Wastewater Disposal Area. No activities involving wastewater are planned.
2. *Standard comments.* During the preparation of this EA we consulted the standard comments for relevant sections.

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, DLNR-OCCL

PHONE (808) 594-1888



RECEIVED
OFFICE OF CONSERVATION
& COASTAL LANDS

FAX (808) 594-1865

2009 DEC 30 A 8:56

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

HRD09/2740B

December 23, 2009

Sam Lemmo
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, Hawai'i 96809

RE: Request for comments on conservation district use application (CDUA) and draft environmental assessment (DEA) for gates on private roads, Keawaiki beach, Kona, Hawai'i, TMK: 2-2-002:054.

Aloha e Sam Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter CDUA HA-3530. OHA has reviewed the project and offers the following comments.

OHA understands that this private road does not provide access to any public resources such as the shoreline or parks and that pedestrians will be able to walk a short distance to any cultural resources located on the property. As such, we have no objections to the proposal as we understand it at this time.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold by phone at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,

Clyde W. Nāmu'o
Chief Executive Officer

C: OHA Kona CRC

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

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

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai‘i**

Dear Mr. Nāmu‘o:

Thank you for your comment letter addressed to Sam Lemmo and dated December 23, 2009, on the Draft EA and CDUA, in which you stated that based on the information supplied you had no objections. 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, DLNR-OCCL

BENJAMIN J. GAYETANO
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

ROY C. PRICE, SR.
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

December 18, 2009

Mr. Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawaii 96809


Dear Mr. Lemmo:

Proposed Security Gates on Private Access Road for Keawaiki Beach Lots

Thank you for the opportunity to comment on this project. After reviewing the documents you sent for this project, we have no early consultation comments to make. We look forward to reviewing the Environmental Assessment when it is completed.

If you have any questions, please contact Mr. Kevin Richards, State Civil Defense Tsunami/Earthquake Planner, at (808) 733-4300, ext. 561.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

Edward Teixeira, Vice Director of Civil Defense
Vice Director of Civil Defense
Hawai'i Department of Defense
949 Diamond Head Road
Honolulu HI 96816-4495

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Teixeira:

Thank you for your comment letter addressed to Sam Lemmo and dated December 18, 2009, on the Draft EA and CDUA, in which you stated that your agency had no comments at this time. We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

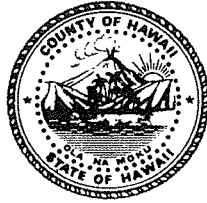
Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

December 18, 2009

Mr. Samuel J. Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu HI 96809

Dear Mr. Lemmo:

**SUBJECT: Request for Comments: CDUA HA-3530
Gates on Private Access Road for Keawaiki Beach Lots
TMK: 8-3-5:1, 20 & 21, Kahauloa, South Kona, Hawai'i**

This is in response to the application to install gates on the private access road for Keawaiki Beach Lots.

The County has no jurisdiction since all three parcels are designated Conservation by the State Land Use Commission.

However, a Special Management Area Use Permit Assessment Application (SAA 09-000496) was received by our Department on October 22, 2009. By our letter dated November 19, 2009, a determination was made that either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit would be required for the installation of the gates.

The November 2009 Draft Environmental Assessment submitted with the application mentioned a trail within the subject properties. Since no other information was included, we requested comments from Mr. Irv Kawashima, Trail and Access Specialist for the Department of Land and Natural Resources, Division of Forestry and Wildlife. Subsequently, we were informed that an abstract to determine if Keawaiki Road is considered a trail under the Highways Act of 1892 is currently under way.

Mr. Samuel J. Lemmo
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Page 2
December 18, 2009

Therefore, our final decision on the SMA assessment application is pending a determination on the status of Keawaiki Road.

Should you have any questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,

A handwritten signature in black ink, appearing to read "BJ Leithead Todd". The signature is fluid and cursive, written over a light blue horizontal line.

BJ LEITHEAD TODD
Planning Director

ETI

P:\Public\Wpwin60\ETI\CDUA\Lemmo Bundrant 8-3-5-1 20 21.Rtf

xc: Planning Department – Kona

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

Bobby Jean Leithead-Todd, Director
Hawai'i County Planning Department
101 Pauahi Street, Suite 3
Hilo HI 96720

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Ms. Leithead-Todd:

Thank you for your comment letter addressed to Sam Lemmo and dated December 18, 2009, on the Draft EA and CDUA. In answer to your specific comments:

1. *Trail within Keawaiki.* Thank you for the information that your Department is awaiting a decision on how to proceed with the SMA permit pending an abstract on a trail to determine if Keawaiki Road is considered a trail under the Highways Act of 1892. As a matter of correction, there was information regarding this road and other paths within the Draft EA, particularly on Page 22. It is our understanding that the road(s) you are referring to were built after subdivision of the Keawaiki Beach Lots.

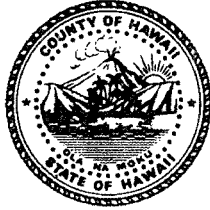
We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL



William P. Kenoi
Mayor

William T. Takaba
Managing Director

Warren H. W. Lee
Director

RECEIVED
CONSERVATION
LANDS

County of Hawai'i 2009 DEC -3 A 8: 16
DEPARTMENT OF PUBLIC WORKS

Aupuni Center
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
(808) 961-8321 · Fax (808) 961-8630
www.co.hawaii.hi.us

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

December 1, 2009

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

Subject: Conservation District Use Application (CDUA) HA-3530 for Security
Gates on Private Access Road for Keawaiki Beach Lots
Applicant: Charles and Diane Bundrant
Kahauloa, South Kona, Hawaii
TMK: (3) 8-3-005:001, 020, and 021

We have reviewed the subject application. There will be no significant impact to our facilities provided the gate is set back from the County road as shown in Figure 5.

If you have any questions, please contact Kiran Emler of our Kona office at 327-3530.

Galen M. Kuba, Division Chief
Engineering Division

KE

c: ENG-HILO/KONA
Planning Director

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

Galen Kuba, Chief
Engineering Division
Hawai'i County Department of Public Works
101 Pauahi Street, Suite 7
Hilo HI 96720

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Kuba:

Thank you for your comment letter addressed to Sam Lemmo and dated December 1, 2009, on the Draft EA and CDUA stating that there will be no significant impact to your facilities provided the gate is set back as shown in project diagrams.

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

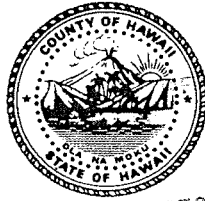
Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

2009 DEC 14 A 8:20
RECEIVED
INVESTIGATION
ES
COUNTY OF HAWAII
POLICE DEPARTMENT
2009 DEC 14 A 8:20
COUNTY OF HAWAII
POLICE DEPARTMENT

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawaii. 96720-3998
(808) 935-3311 • Fax (808) 961-2389

December 10, 2009

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

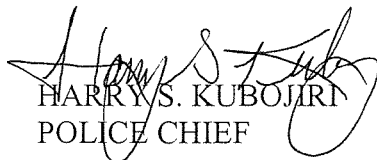
RE: Conservation District Use Application HA-3530 for Security Gates on Private
Access Road for Keawaiki Beach Lots

Dear Mr. Lemmo:

Concerning the installation of security gates on private property, the property owners should be made aware that the Hawaii Police Department will not maintain gate codes, combinations, or keys for gates leading onto private property and that the responsibility to maintain and ensure unimpeded access to the property for emergency responders lies with the property owner.

Should you have any questions, please contact Captain Samuel Jelsma, Commander of the Kona District, at (808) 326-4646, ext. 249.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

SJ/JD:dmv

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

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

January 29, 2010

Chief Harry Kubojiri
Hawai'i County Police Department
349 Kapiolani St.
Hilo HI 96720

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Chief Kubojiri:

Thank you for your comment letter addressed to Sam Lemmo and dated December 10, 2009, on the Draft EA and CDUA, stating that the Hawai'i Police Department will not maintain gate codes, combinations, or keys for gates leading onto private property.

The applicants intend to install a "Knox Box" type of lock on the subject gate. The applicants must apply through the Hawai'i County Fire Department to register and obtain the necessary lock. It is our understanding that emergency services have a universal key that will open all Knox Boxes.

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, DLNR-OCCL

Malama Pono Kealakekua
Cultural and Planning Committee
82-6012 Manini Beach Road
Ka'awaloa, Hawaii 96704
Phone (808) 9361479
gordonleslie@hawaii.rr.com committee chairperson

RECEIVED
DEPT. OF CONSERVATION
CULTURAL LANDS
2010 JAN -7 A 8:12
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

January 05, 2010

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

RE: DRAFT ENVIRONMENTAL ASSESSMENT
(GATING OF EXCESS ROADS IN THE CONSERVATION DISTRICT AT
KAHAULOA)
TMK (3rd): 8-3-005:001 Kahauloa, South Kona, Island of Hawaii, State of
Hawaii

Dear Mr. Ron Terry,

Thank you for the opportunity to review the aforementioned Draft Environmental Assessment for Chuck and Diane Bundrant. I received your packet the later part of November 2009.

1) After reviewing your Draft EA I discovered several misleading and wrong information. I will comment first of my telephone conversation with someone who called me for information on the trail at Keawaiki. That interview took about ten minutes. I did not tell the individual my father lost the 24.55 acre parcel tmk 8-3-005:001 to Bishop Estate, Kamehameha Schools because he was more interested in fishing than he was with Tax matters, he was a responsible and diligent tax paying citizen. What I told him was, prior to Bishop Estates effort to quite title this land in the 1960's, my grandfather Henry Leslie Sr. spent \$350,000.00 in legal fees, and lost 3000 acres in the Kahauloa 2 and Keei 1 Ahupuaa by court judgment in favor of Bishop Estate KS from lands that were never conveyed to Pauahi Bishop by the original LCA recipient Kalua Apana Simerson. My father knew it was hopeless to challenge the Might of Bishop Estate so he choose to go fishing instead, causing him to lose this land by default. He was a commercial fisherman. This land too was never conveyed to Pauahi Bishop by Kalua Apana Simmerson.

- 2) It was then that Bishop Estate KS bulldozed most of the archeological sites on the present Keawaiki subdivision and destroyed the ancient Hawaiian trail the Ala Kahakai that connected Kahauloa road to the Keei village, the sacred Palemano point, And the Mokuohai battle field.
- 3) As a child we used the trail frequently to access the fishing and wana koa fronting this property. After Bishop Estate KS acquired this land through court judgment they created a vehicular dirt road (Keawaiki road) that partly runs parallel to the destroyed 1500 hundred year old ala kahaki alanui.
- 4) People from this village have taken the opportunity to use Keawaiki road as it is a shorter and smoother road. Also Emergency Units (Police, Fire Rescue, and Ambulance) use this rout to get to Keei village when there is an emergency or when the village needs to evacuate during a tsunami evacuation. Locking this access could have a life or death situation when dealing with heart attack patients.
- 5) In the 1980's Bishop Estate wanted to extend the Keawaiki subdivision along the existing Keei beach road impacting the only road to the village and the trail that Kamehameha marched his armies to battle on the Mokuohai battle field, due to the importance of that historical event, the County Planning Commission, the County Council, the State Historic Preservation Division, The Napoopoo, Keei, Hoonounou Community Association,(now Malama Pono Kealakekua) and Papa Lyman President of Bishop Estate all decided that the plan should be abandon.
- 6) This EA mentions of the many archeological features on this property that will be protected by the installation of these gates. True there are many archeological features on this aina, but there are no known burial sites. A comprehensive archeological preservation plan should be a requirement for Bishop Estate KS and or the applicant. The threat of these sites being further damaged will be from the 17 lot owners and their guest as none of these archeological sites are visible or near the Keawaiki Road, and they are the only ones that have access to all these sites.
- 7) This EA claims that these gates will afford more security for the 17 lot owners. To the best of our knowledge there were no security breached on the Keawaiki subdivision in the last 40 years.
- 8) It is clear Chuck and Diane, owners of perhaps the world's largest fish distributing company want to create their own gated community, and that is all good, however as recent malahini arrival to our village, they want to take away our historical alanui kahakai, that is not pono. If it's a gated community they want to live in, there are many choices on the Kona coast.

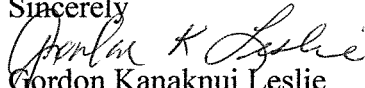
9) In addition all of the Government Document you submitted along with your EA are previous request that goes beyond the scope of what you are requesting now and they should not be submitted with your Final Environmental Assessment for this application.

10) Mike is correct to say what he said; the Board of Directors of Malama Pono Kealakekua is involved with Community issues when it comes to the big picture. However the Cultural and planning Committee are active with the day to day responsibility of community concerns. Attach is a recent letter to the State of Hawaii from Malama Pono Kealakekua.

11) It is our position that there should be a community meeting for everyone in the village so they can share their concerns, we will be glad to assist with organizing or facilitating a meeting for this application.

11) Should the applicant choose to beautify the entrance to Keawaiki Road without the gates, we are sure the community would embrace that idea.

Sincerely



Gordon Kanaknui Leslie

Chairman Cultural and Planning Committee
Malama Pono Kealakekua

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that HENRY A. LESLIE, SR., widower, of Napoopoo, Kona, County and State of Hawaii, hereinafter called the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to him in hand paid by HENRY A. LESLIE, JR., and MARY K. LESLIE, husband and wife, whose residence address is Napoopoo, Kona, County and State of Hawaii, and whose post office address is RR#1, Box 199, Captain Cook, Hawaii, hereinafter called the GRANTEES, receipt of which sum is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said GRANTEES, as tenants by the entirety, all of the following described property:

ONE (1) ACRE, MORE OR LESS OF

ALL that certain piece or parcel of land situated at Kahauloa-2nd, South Kona, County and State of Hawaii, designated on State Tax Maps as Tax Key 8-3-05-1, containing an area of 24.55 acres, more or less.

Being a portion of the same premises conveyed unto the Grantor herein by Deed of Rose Simerson Reeves, dated February 2, 1962, and recorded with the Bureau of Conveyances of the State of Hawaii in Liber 4216, Pages 175-176.

TOGETHER with all and singular the rights tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantees, as tenants by the entirety, to the survivor of them, and to such survivor's heirs and assigns, in fee simple forever.

AND the said Grantor for himself, his heirs, executors, administrators and assigns, hereby covenants and agrees to and with the Grantees that upon the execution of this conveyance he is seised of said property in an estate in fee simple, and that the same is free and clear of all encumbrances and said Grantor further covenants and agrees that he will WARRANT and DEFEND the fee simple title conveyed and intended to be conveyed against the lawful claims of all persons.

IN WITNESS WHEREOF the said Grantor has hereunto set his hand this 19th day of July, 1963.

APPROVED AS TO FORM

By [Signature]
Sumio Nakashima

[Signature]
HENRY A. LESLIE, SR.

STATE OF HAWAII)
 : SS.
COUNTY OF HAWAII)

On this 19th day of July, 1963, before me personally appeared HENRY A. LESLIE, SR., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



[Signature]
Notary Public, Third Judicial Circuit
State of Hawaii

My Commission Expires: May 8, 1964

MICHAEL J. MATSUKAWA
ATTORNEY AT LAW
TERRITORIAL CENTRE, SUITE 201
75-5751 KUAKINI HIGHWAY
KAILUA-KONA, HI 96740
TELEPHONE NO. (808) 329-1385
FAX NO. (808) 329-0512
December 1, 2009

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

RE: KEALAKEKUA STATE HISTORICAL PARK

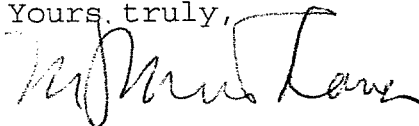
Dear Sir:

Regarding the so-called Proposed Master Plan Update, please find copies of the following enclosures:

1. Stipulation to Settle Claims Raised in Action and to Dismiss Action; Order, Civil No. 00-1-0223K;
2. My letter dated March 14, 2002 to the Division of State Parks;
3. Letter dated October 6, 2000 from Office of Environmental Quality Control; and
4. Resolution of the non-executive directors of Malama Pono Kealakekua, Inc.

I believe these documents are self-explanatory. Malama Pono Kealakekua will be monitoring the so-called Proposed Master Plan Update process closely to assure that all applicable laws are complied with.

Yours truly,



Michael J. Matsukawa

MJM:jff\misc\malamadl.lt1

Encs.

xc: Attorney General
Chairperson, DLNR
Office of Environmental Quality Control
Belt Collins Hawaii, Ltd.
Gordon K. Leslie
Skycliff Ranch LLC
Malama Pono Kealakekua

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

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

January 29, 2010

Gordon Leslie
Malama Pono Kealakekua
Cultural and Planning Committee
82-6012 Manini Beach Rd.
Captain Cook HI 96704

**Subject: Response to Comments on Conservation District Use
Application HA-3530 and Draft Environmental Assessment for
Gating of Access Roads in the Conservation District at
Kahauloa, TMK: (3) 8-3-005:001, Kahauloa, South Kona
District, Island of Hawai'i**

Dear Mr. Leslie:

Thank you for your comment letter dated January 5, 2010, on the Draft EA and CDUA. As some of your comments pertained more to Kamehameha Schools (KS) than to the applicants for the CDUA, Chuck and Diane Bundrant consulted with KIS in preparing the following answer to your specific comments:

1. *Cultural consultation.* The information you are referring to in the EA was taken directly from the Cultural Impact Assessment for the project prepared by Dr. Bob Rechtman. As I understand it, Dr. Rechtman has since spoken to you about the telephone conversation he had with you regarding the history of the area. The statements that you referred to as incorrect have been removed from both the CIA and the Final EA.

2-3. *Bishop Estate's bulldozing of archaeological sites, including a heiau.* KS acknowledges your statement that the ancient Hawaiian trail no longer exists. Please note that the applicants had no part in any destruction of sites and have planned his activities to protect, rather than harm, remaining sites.

4. *Shortcut and Emergency Response.* The "shortcut" is actually longer in distance, although because the road is better maintained (by the Keawaiki Beach Lots residents, at their personal expense), it takes slightly less time to travel. Better maintenance of the Ke'ei Road would make it actually faster for access to Ke'ei. No member of the general

public will be blocked from receiving emergency services by the proposed gating action. Only those who have given written concurrence to support this application are potentially impacted. The “Knox Box” lock is able to be opened by emergency services for those residents within the Keawaiki Beach Lots.

5. *Bishop Estate’s former subdivision plans.* KS acknowledges your account of past plans. The former plans are not actually relevant to the applicants’ matter at hand.

6. *No known burial sites; need for comprehensive preservation plan; threat to archaeological sites is from residents, not others.*

A prior archaeological study conducted by Francis Ching in 1971 identified at least nine archaeological sites within the subject property. Among these sites, Ching recorded two burial complexes. Professional archaeologists observed and mapped these sites along with numerous others within the boundaries of the overall subject property during a more recent reconnaissance study conducted for the current project. During this more recent study additional potential burial features were also noted by the archaeologists.

The State Historic Preservation Division has reviewed the proposed gate installation and determined that no historic properties would be affected. SHPD did not recommend preparation of a preservation plan in conjunction with this proposal.

It is the lessee’s intention to complete an archaeological inventory survey of the entire property prior to the issuance of any additional permits beyond that which is currently being sought. Once that study has been completed, a comprehensive preservation plan will also be prepared. One of the goals of the current proposed project is to enhance the immediate protection of the archaeological sites that exist within the overall property.

The residents of Keawaiki Beach Lots do not agree that they are a threat to archaeological sites, and they have personally witnessed the destruction of sites by illegal campers, who may have been unaware that the sites were present.

7. *Security of Keawaiki Beach Lots.* This concern about security is based on reports from the residents of the lots, who do have personal knowledge of problems, including illegal camping, theft, drug use, and reckless driving.

8. *Gated community.* Please note that the County does not maintain the roads, and therefore having them open to the public creates a burden upon the owners. Furthermore, a special gate and cindered walkway will be established adjacent to the gate structure for the express purpose of facilitating pedestrian travel, and the roads will continue to be open to pedestrian access, unlike a gated community.

9. *Early consultation letter.* The inclusion of the responses was appropriate, because the action as originally proposed included the gates as well as a single-family home and landscaping. There would tend to be more but not different concerns with the original proposal, as it involved more area and more activities.

10. *Malama Pono Kealakekua status.* Thank you for the clarification about the active status of Malama Pono Kealakekua, and because of your active involvement there is better information in the EA.

11. *Community meeting.* Hawai‘i Administrative Rules Section 13-5-40 requires a review by DLNR to determine if a public hearing related to the subject request is required prior to consideration by the Board of Land and Natural Resources. Should the Department suggest such a meeting, the Board will arrange for the meeting and staff it with personnel from the DLNR. The applicants will fully support the decision made by DLNR.

12 (2nd 11 in your letter). *Beautifying entrance to Keawaiki Road would be welcomed.* We acknowledge this comment.

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 small, simple horizontal line that serves as a decorative flourish or underline.

Ron Terry, Principal
Geometrician Associates

Cc: Sam Lemmo, DLNR-OCCL

ENVIRONMENTAL ASSESSMENT

GATING OF ACCESS ROADS IN THE CONSERVATION DISTRICT AT KAHAULOA

TMK (3rd): 8-3-005:001

Kahauloa, South Kona, Island of Hawai'i, State of Hawai'i

APPENDIX 2

Archaeological Report and Cultural Impact Assessment

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

June 9, 2008

RC-0454

Morgan Davis
Assistant Hawai'i Island Archaeologist
DLNR-SHPD
40 Po'okela Street
Hilo, HI 96720

Dear Morgan:

At the request of Chuck and Diane Bundrant, lessees under Kamehameha Schools (landowner), Rechtman Consulting, LLC has prepared this request for determination of "no historic properties affected" associated with the proposed construction of two gates on existing access roads within TMK: (3)8-3-05:001, in Kahauloa 2nd Ahupua'a, South Kona, Hawai'i. (Figure 1). The parcel is bounded to the north by Kahauloa Road, to the east by Pu'uohonua Road, to the west by the Keawaiki Beach Lots, and to the south by a large undeveloped Kamehameha Schools parcel (Figure 2), within the larger Kealakekua Bay Historical District (SIHP Site 7000). While an intensive archaeological reconnaissance found numerous archaeological features located on the overall parcel, there are no archaeological features within the two areas planned for the placement of gates. This request has been prepared to accompany an Environmental Assessment and a Conservation District Use Application.

The ground surface within the study area is classified as Lava Flows, 'a'ā (rLV), having practically no soil covering and being bare of vegetation. The 'a'ā was formed during a Mauna Loa lava flow that occurred between 200-750 B.P. (Wolfe and Morris 1996). A substantial portion of the area has been bulldozed, primarily within the southern and western sections of the area closest to the existing Keawaiki Beach Lots subdivision and along the existing access roads. Vegetation within the bulldozed areas consists almost exclusively of ornamental and economic plants.

Archaeological studies in the Kahauloa region began with John Reinecke's 1930 survey of coastal sites in South Kona conducted for the Bishop Museum. Reinecke identified two archaeological sites south of the current project area; "Site 32," consisting of two platforms, and "Site 33," a complex, divided by an *ahupua'a* boundary wall, containing a *pū'o'a* and a lava tube shelter on the Ke'ei 1st side, and a platform, animal pens (enclosures), wall fragments, and several *pū'o'a* located on the Kahauloa 2nd side.

Archaeological Research Center Hawaii (Ching 1971) conducted a surface survey of the Nāpo'opo'o-Hōnaunau Road Alignment (Alternate 2) for the Department of Public Works. The survey corridor ranged from coastal elevations to approximately 1-mile inland and extended for a total distance of 4.7 miles. The extreme eastern portions of the current project area were investigated during Ching's (1971) study. His survey efforts identified a total of 144 archaeological features which were placed into seven major categories: habitation structures, enclosures, agricultural features, burials, trails, *ahu*, and miscellaneous (27 independent walls and one cistern). Because of the linear nature of this study (coursing across multiple *ahupua'a* at varying elevations), it offered a unique opportunity to observe settlement strategies used for this particular environment along the southern Kona coastline. A close examination of Ching's map indicates that nine sites (SIHP Sites 6006, 6008, 6009, 6014, 6015, 6016, 6017, 6018, and 6020) were identified within current Parcel 3-8-3-05:001. These sites included two wall, an animal enclosure, an agricultural enclosure, two burial complexes, a C-shape, a trail, and a lava void.

To the southeast of the current project area, Anthropological Research International (Nishiyama and Lothian 1972) conducted an archaeological investigation of the proposed County Golf Course in Ke'ei for the Department of Parks and Recreation, County of Hawai'i. Survey of the northern one-third of the project area identified twelve sites that consisted of enclosures, platforms, a storage vault, and rock mounds. Additional sites recorded in the southern two-thirds of the project area include rock-filled

depression areas, rock-filled terraced areas, rock mounds, habitation tubes, a core-filled wall complex, platforms, and enclosures. Dense vegetation reduced the survey effectiveness in the southern portion of the project area. Sites identified were grouped into one of three categories; (I) Sites that warrant preservation, (II) Sites which need not be preserved, and (III) Sites that require more scientific study before determining a category. Preservation was recommended for as many sites as possible, but the golf course development plans were never carried out.

A second archaeological survey was conducted by Archaeological Research Center Hawaii, Inc. in 1975 from Nāpo‘opo‘o to Hōnaunau for a new alignment of the Pu‘uhonua Road to the east of the current project area. This was a follow-up study to the earlier Ching (1971) effort, and resulted in the recorded of forty-nine additional sites that were placed into seven major categories: habitation structures, enclosures, agricultural features, burials, trails, manufacturing areas, independent walls, and miscellaneous (Palama and Silva 1975). There were no new sites found during this 1975 study within the current project area.

A statewide inventory conducted by the Hawai‘i State Office of Historic Preservation inspected and evaluated multiple sites in the general vicinity of Kahauloa. This effort, conducted between 1971 and 1975, contributed to defining the Kealakekua Bay Archaeological and Historical District and provided information on previously recorded sites south of the current project area as well as a summary of sites at Hōnaunau (McEldowney 1979).

The Bishop Museum (McEldowney 1979) conducted a reconnaissance survey of roughly nine acres for a proposed subdivision development in Kahauloa 2nd and Ke‘ei 1st, along the coast to the southwest of the current study area. During the survey of these parcels, dense vegetation and existing residences on the survey property reduced the ability of the surveyors to identify and record existing features and accurately delimit site boundaries. The study was divided into four sub-areas depending on the vegetation and survey method used. Sites identified in Sub-area 1 include a core-filled boundary wall dividing Kahauloa 2nd and Ke‘ei 1st Ahupua‘a, several steppingstone trails extending through the surrounding ‘a‘ā, and a large habitation complex including platforms, possible burial platforms, a C-shape enclosure, a stone alignment, terraces, a wall and cupboard feature, and a steppingstone trail segment. The sites observed in Sub-area 2 were mostly obscured by dense vegetation and included a wall segment, a possible terrace, two terraced platforms with scattered marine shell and ‘ili‘ili, and a rock mound. Sites located in the third sub-area include core-filled walls and collapsed wall segments interspersed with rock mounds that were interpreted as a coastal agricultural complex, and one rectangular enclosure. No sites were located in the fourth sub-area. Recommendations for sites in the project area include comprehensive site recordation, test excavations, and a thorough evaluation for the sites in the Kealakekua-Hōnaunau area.

Archaeologists and historians describe the inhabiting of Hawai‘i 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. 1972:287).

Over a period of several centuries, areas with the richest natural resources became populated and perhaps crowded, and by about A.D. 900 to 1100, the population began expanding to the *kona* (leeward side) and more remote regions of the island (Cordy 2000:130). In Kona, communities were initially established along sheltered bays with access to fresh water and rich marine resources. The primary

“chiefly” centers were established at several locations—the Kailua (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).

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.

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)

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. 1972:14). The rituals of Lono “The father of waters” and the annual Makahiki festival, which honored Lono and which began before the coming of the kona (southerly) storms and lasted through the rainy season (the summer months), were of great importance to the native residents of this region (Handy et al. 1972: 523). The significance of rituals and ceremonial observances in cultivation and indeed in all aspects of life was of great importance to the well being of the ancient Hawaiians, and cannot be overemphasized, or overlooked when viewing traditional sites of the cultural landscape.

Over the generations, the ancient Hawaiians developed a sophisticated system of land and resources management. By the time ‘Umi-a-Līloa rose to rule the island of Hawai‘i in ca. 1525, the island (moku-puni) was divided into six districts or moku-o-loko (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 itself, extends from the shore across the entire volcanic mountain of Hualālai, and continues to the summit of Mauna Loa, where Kona is joined by the districts of Ka‘ū, Hilo, and Hāmākua. One traditional reference to the northern and southern-most coastal boundaries of Kona tells us of the district’s extent:

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

Kona, like other large districts on Hawai‘i, was subdivided into *‘okana* or *kalana* (regions of land smaller than the *moku-o-loko*, yet comprising a number of smaller units of land). The lands of Kahauloa situated in an area now known as Kona Hema (South Kona), are part of an ancient subregion generally known as “Ka-pali-lua” (The-two-cliffs; describing the topographic features of the *kula* or lands of the mountain slope). The *moku-o-loko* and *‘okana* or *kalana* were further divided into manageable units of land, and were tended to by the *maka‘āinana* (people of the land) (cf. Malo 1951:63-67). Of all the land divisions, perhaps the most significant management unit was the *ahupua‘a*. *Ahupua‘a* are subdivisions of land that were usually marked by an altar with an image or representation of a pig placed upon it (thus the name *ahu-pua‘a* or pig altar). In their configuration, the *ahupua‘a* may be compared to wedge-shaped pieces of land that radiate out from the center of the island, extending to the ocean fisheries fronting the land unit. Their boundaries are generally defined by topography and geological features such as *pu‘u* (hills), ridges, gullies, valleys, craters, or areas of a particular vegetation growth.

The *ahupua‘a* were also divided into smaller individual parcels of land (such as the *‘ili*, *kō‘ele*, *māla*, and *kīhāpai*, etc.), generally oriented in a *mauka-makai* direction, and often marked by stone alignments (*kuaiwi*). In these smaller land parcels the native tenants tended fields and cultivated crops necessary to sustain their families, and the chiefly communities with which they were associated. As long as sufficient tribute was offered and *kapu* (restrictions) were observed, the common people, who lived in a given *ahupua‘a* had access to most of the resources from mountain slopes to the ocean. These access rights were almost uniformly tied to residency on a particular land, and earned as a result of taking responsibility for stewardship of the natural environment, and supplying the needs of the *ali‘i* (see Kamakau 1961:372-377 and Malo 1951:63-67).

Entire *ahupua‘a*, or portions of the land were generally under the jurisdiction of appointed *konohiki* or lesser chief-landlords, who answered to an *ali‘i-‘ai-ahupua‘a* (chief who controlled the *ahupua‘a* resources). The *ali‘i-‘ai-ahupua‘a* in turn answered to an *ali‘i ‘ai moku* (chief who claimed the abundance of the entire district). Thus, *ahupua‘a* resources supported not only the *maka‘āinana* and *‘ohana* who lived on the land, but also contributed to the support of the royal community of regional and/or island kingdoms. This form of district subdividing was integral to Hawaiian life and was the product of strictly adhered to resources management planning. In this system, the land provided fruits and vegetables and some meat in the diet, and the ocean provided a wealth of protein resources. Also, in communities with long-term royal residents (like Ke‘ei, Ka‘awaloa, and Kealakekua), divisions of labor (with specialists in various occupations on land and in procurement of marine resources) came to be strictly adhered to. It is in the general cultural setting outlined above, that we find the *ahupua‘a* of Kahauloa at the time of European contact.

The ocean resources fronting Kahauloa were integral to life upon the land. On the *kula kahakai* or shoreward flats, were found potable water sources (caves, wells and springs), several village clusters and many residents, groves of coconut trees, and low land agricultural fields. The *kula uka* or upland plains, extending up to an area above the *mauka Alaloa*, Keala‘ehu (near present day Māmalahoa Highway), was highly valued for its fertile lands, which were extensively cultivated. The lands extending from around the 2,000 to 5,000 foot elevation were cultivated in bananas, and were a significant resource of woods, fibers, birds, and other materials of value and importance to native life.

The current project area is located within Kahauloa 2nd near Kahauloa Bay along the southern shore of Kealakekua Bay. This area played a well-documented and significant role in the history of the Hawaiian Islands. Kealakekua Bay is the former home of some of Hawai‘i’s most powerful *ali‘i* and feared warriors. One such warrior, named Kekūhaupi‘o, was born of royal blood (his father was Kohapi‘olani, a Ke‘ei chief, and his mother was from Nāpo‘opo‘o) at Ke‘ei, just south of Kahauloa 2nd. An article published in *Ka Hōkū o Hawai‘i* on September 10, 1908 (translated by K. Maly) tells of Kekūhaupi‘o’s loyalty to Kamehameha and his role at the battle of Moku‘ōhai, which also took place just south of Kahauloa, against the chief’s cousin, Kiwala‘ō. Although a lower chief, Kekūhaupi‘o fought so well in this battle that he came to be known as “*Ko Kamehameha koa a waele makaihe*” (Kamehameha’s warrior who weeds through men with a spear) and he became the most cherished companion of Kamehameha, outside of his own uncles. Kekūhaupi‘o continued to live at Ke‘ei and serve Kamehameha for the remainder of his life, which he lost not in battle, but at the sport of spear fighting.

Kealakekua Bay (more precisely the flats of Ka‘awaloa north of the current project area) is perhaps best known as the place where Captain Cook first made landfall on the island and then ultimately met his demise. The arrival of Europeans on Hawai‘i Island began a long series of events that would eventually, but not immediately, alter the Hawaiian way of life. As Major writes, “From the moment Cook and his crew arrived, relations between Native Hawaiians and outsiders were heavily influenced by the sailors’ need for supplies” (Major 2001). Because of Hawai‘i’s isolation in the mid-Pacific it made an excellent way point for Europeans and Americans involved in the East Indian and northwest American trade networks (Sahlins 1992). Kealakekua Bay, with its excellent anchorage and abundant supply of food soon became the most frequented harbor by visitors to the island. Thus began the written history of Hawai‘i.

Captain James Cook and members of his crew provided the first European accounts of the coastal region in 1779. The journals and diaries of the expedition noted the political and religious importance of the area. Descriptions provided by John Ledyard and Lieutenant James King of the expedition described the coastal area to approximately 3 miles inland as being cultivated primarily in sweet potatoes (*‘uala*). These were grown in small enclosures separated by low walls (Ching 1971). Also grown in this coastal zone were sugar cane, *wauke*, and banana trees. Breadfruit trees (*ulu*) were cultivated in the area situated inland of this coastal habitation and agrarian zone. Archibald Menzies, who was a member of Captain George Vancouver’s 1792-1794 expeditions, provided descriptions of the coastal and upland areas and observed that the upper elevations were cultivated primarily in taro and ti.

Some of the first Europeans to reside permanently on the island, besides sailors who jumped ship, were Christian missionaries. In 1823, William Ellis visited this coastal area during his tour of the Island of Hawai‘i. After leaving Ke‘ei village for Hōnauanu, he described passing the location of the decisive battle of Moku‘ōhai where Kamehameha defeated his cousin Kiwala‘ō for control of half of the island of Hawai‘i. His description of the battlefield follows:

Since leaving Ke‘ei, we had seen several heaps of stones raised over the bones of the slain, but now became more numerous. As we passed along, our guide pointed out the place where Tairi, Tamehameha’s [Kamehameha’s] war-god, stood, surrounded by the priests, and, a little further on, he showed us the place where Tamehameha himself, his sisters, and friends, fought during the early part of the eighth day. A few minutes after we left it, we reached a large heap of stones overgrown with moss, which marks the spot where Kauikeouli [Kiwala‘o] was slain. (Ellis 1963:95)

In 1824, Reverend James Ely established the South Kona Mission Station on the Flats of Ka‘awaloa (Maly and Maly 2002). The Mission set up not only churches in South Kona, but schools as well (for formal education and the spread of the Christian word). In the Missionaries’ reports, much information pertaining to daily life in South Kona, church happenings, and local populations can be found (see Maly and Maly 2002). One missionary letter, written by C. Forbes on November 8, 1835, states, “I suppose there are something like 2,000 inhabitants on that [south] side of the bay in the villages of Kealakekua, Napopo-Keii [Nāpo‘opo‘o & Ke‘ei].” (cited in Maly and Maly 2002:82)

The best source of documentation pertaining to native Hawaiian residency and land use practices—identifying specific residents, types of land use, crops cultivated, and features on the landscape—is found in the records of the *Māhele ‘Āina* (Land Division) which the King entered into with the chiefs and people in 1848. The “Land Division” gave native tenants an opportunity to acquire land (in fee-simple) that they lived on and actively cultivated.

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 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 as well. In 1848, the Hawaiian system of land tenure was radically altered by the *Māhele ‘Āina*. This change in land tenure was promoted by the missionaries and the growing Western population and business interests in the island kingdom. Generally these individuals were hesitant to enter business deals on leasehold land.

The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. As a result of the *Māhele*, all land in the Kingdom of Hawai‘i came to be placed in one of three categories: (1) Crown Lands (for the occupant of the throne); (2) Government Lands; and (3) Konohiki Lands (Chinen 1958:vii, Chinen 1961:13).

The “Enabling” or “*Kuleana Act*” (December 21,1849) laid out the frame work by which native tenants could apply for, and be granted fee-simple interest in “*kuleana*” lands, and their rights to access and collection of resources necessary to their life upon the land in their given *ahupua‘a*. The lands awarded to the *hoa‘āina* (native tenants) became known as “*Kuleana Lands*.” All of the claims and awards (the Land Commission Awards or LCA) were numbered, and the LCA numbers remain in use today to identify the original owners of lands in Hawai‘i.

The *ahupua‘a* of Kahauloa 2nd was awarded as an *ali‘i* award to Kanele during the *Māhele*, LCAw. No. 32 (Royal Patent No. 1663). A review of the Waihona ‘Āina database indicates that at least nineteen *kuleana* were claimed in Kahauloa 2nd, three of which, all house lots, are situated adjacent to the northern boundary of the current study area. All of these awardees also claimed agricultural lands distant from their house lots, in more *mauka* sections of the *ahupua‘a*.

The population of South Kona declined during the early nineteenth century and Hawaiians maintained marginalized communities outside of the central population centers. These communities were located in the “out-of-the-way” places, like Ka‘awaloa Point, while the recently immigrated Asian and *haole* populations lived above the *pali* (Alvarez 1990). In the aftermath of the *Māhele*, economic interests in the region swiftly changed from the traditional Hawaiian land tenure system of subsistence farming and regional trading networks to the more European based cash crops including coffee, tobacco, sugar, and pineapple, and emphasized dairy and cattle ranching. The earliest mention of a wharf at Ka‘awaloa Point was in 1853, and its construction insured the ability to effectively export these products and maintain a regional presence, as Kailua eventually became the primary political seat on the Hawai‘i Island.

During the first week in January 2007, Robert B. Rechtman, Ph.D., Matthew R. Clark, B.A., Mark J. Winburn, B.A., and Sandra Ireland, B.A. performed a systematic reconnaissance survey of the entire area encompassed by TMK: (3)8-3-05:001, as well as two smaller parcels (020 and 021) contained within the same lease. As mentioned above numerous archaeological features were encountered within Parcel 001. Some of these features are no doubt the ones Ching (1971) recorded. However, the specific areas where the gates are proposed to be constructed (Figure 3) have been highly disturbed by prior mechanized activity (Figures 4 and 5) and there are no archaeological resources present. Given this situation, on behalf of our client, we are requesting that DLNR-SHPD issue a written determination of “no historic properties affected” in accordance with HAR 13§13-284-5(b)1.

In the unlikely event that archaeological resources are encountered during gate construction activities, work in the immediate area of the discovery will be halted and DLNR-SHPD contacted as outlined in Hawai‘i Administrative Rules 13§13-275-12.

Should you require further information, or wish to visit the area, please contact me directly.

Respectfully,

Bob Rechtman, Ph.D.
Principal Archaeologist

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Figure 2. Tax Map Key 3-8-3-05 showing lease area (Parcels 001, 020, and 021) and existing access roads.

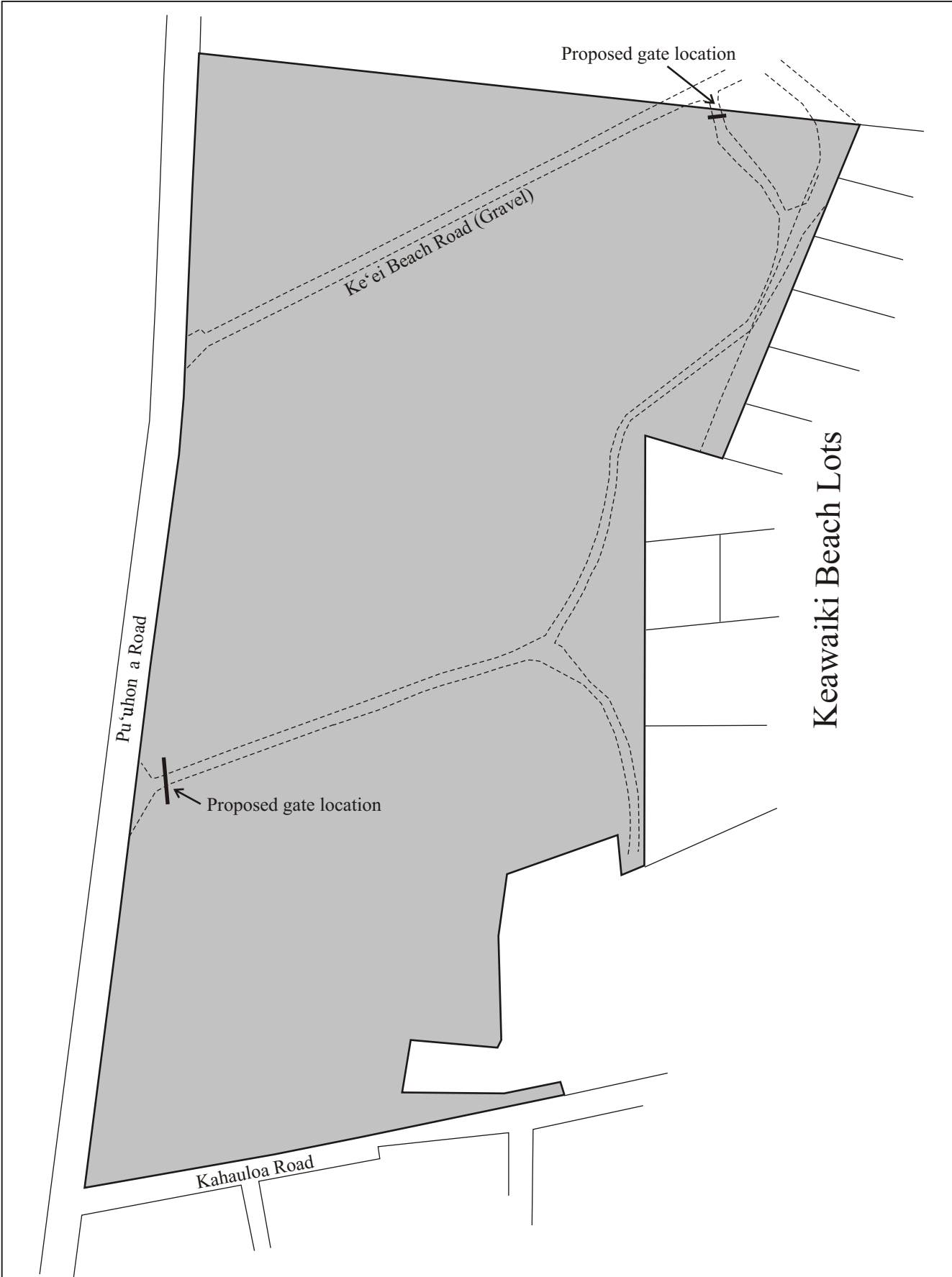


Figure 3. Project area showing existing roads and proposed gate locations.



Figure 4. Proposed location of gate on access road near Pu‘uhonua Road.



Figure 5. Proposed location of gate on access road near Ke‘ei Beach Road.

Cultural Impact Assessment Associated with the Placement of Gates in the Vicinity of the Keawaiki Beach Lots

(TMK: 3-8-3-05:001)

Kahauloa 2nd Ahupua'a
South Kona District
Island of Hawai'i



DRAFT VERSION

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ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

Consultation with Respect to Assessing Cultural
Impacts Associated with the Placement of Gates
in the Vicinity of the Keawaiki Beach Lots
(TMK: 3-8-3-05:001)

Kahauloa 2nd Ahupua‘a
South Kona District
Island of Hawai‘i

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INTRODUCTION

At the request of Chuck and Diane Bundrant, lessees under Kamehameha Schools (landowner), Rechtman Consulting, LLC has prepared this cultural assessment study to accompany an Environmental Assessment and a Conservation District Use Application associated with the proposed construction of two gates on existing access roads within TMK: (3)8-3-05:001, in Kahauloa 2nd Ahupua'a, South Kona, Hawai'i. (Figure 1). The parcel is bounded to the north by Kahauloa Road, to the east by Pu'uhoonua Road, to the west by the Keawaiki Beach Lots, and to the south by a large undeveloped Kamehameha Schools parcel (Figure 2), within the larger Kealakekua Bay Historical District (SIHP Site 7000). While an intensive archaeological reconnaissance (Rechtman 2009) found numerous archaeological features located on the overall parcel, there are no archaeological features within the two areas planned for the placement of gates. The archaeological reconnaissance study contains a culture-historical background establishing an appropriate context within which to assess any potential cultural impacts that might be identified during the current study. While that background is repeated here, the current study focuses on consultation with individuals within the immediate community with respect to their personal knowledge and experience concerning cultural resources and practices that might be impacted by the proposed gating of the Keawaiki Beach Lots access road.

The placement of gates is proposed to both protect the archaeological resources on the property and to provide security for the residents of the Keawaiki Beach Lots who take access from this road. This road does not provide direct access to public resources such as the shoreline or parks. Currently, however, this road is used as an alternate route to Ke'ei Road, and unsecured access has promoted unauthorized camping and off-road vehicle use that has led to both intentional and inadvertent destruction of the archaeological resources on the property. Another byproduct of the unsecured access of this road is the conduct of illegal activities that affect the security of the Keawaiki Beach Lot property owners. It is these undesirable conditions that prompted Kamehameha Schools to require that the proposed gates be established as a condition of the Bundrants' lease of the property.

CULTURE-HISTORICAL BACKGROUND

Archaeologists and historians describe the inhabiting of Hawai'i 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. 1972:287).



Figure 2. Tax Map Key 3-8-3-05 showing lease area (Parcels 001, 020, and 021) and existing and former access roads and trails.

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).

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.

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)

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. 1972:14). The rituals of Lono “The father of waters” and the annual Makahiki festival, which honored Lono and which began before the coming of the *kona* (southerly) storms and lasted through the rainy season (the summer months), were of great importance to the native residents of this region (Handy et al. 1972: 523). The significance of rituals and ceremonial observances in cultivation and indeed in all aspects of life was of great importance to the well being of the ancient Hawaiians, and cannot be overemphasized, or overlooked when viewing traditional sites of the cultural landscape.

Over the generations, the ancient Hawaiians developed a sophisticated system of land and resources management. By the time ‘Umi-a-Līloa rose to rule the island of Hawai‘i in ca. 1525, the island (*moku-puni*) was divided into six districts or *moku-o-loko* (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 itself, extends from the shore across the entire volcanic mountain of Hualālai, and continues to the summit of Mauna Loa, where Kona is joined by the districts of Ka‘ū, Hilo, and Hāmākua. One traditional reference to the northern and southern-most coastal boundaries of Kona tells us of the district’s extent:

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

Kona, like other large districts on Hawai‘i, was subdivided into *‘okana* or *kalana* (regions of land smaller than the *moku-o-loko*, yet comprising a number of smaller units of land). The lands of Kahauloa situated in an area now known as Kona Hema (South Kona), are part of an ancient subregion generally known as “Ka-pali-lua” (The-two-cliffs; describing the topographic features of the *kula* or lands of the mountain slope). The *moku-o-loko* and *‘okana* or *kalana* were further divided into manageable units of land, and were tended to by the *maka‘āinana* (people of the land) (cf. Malo 1951:63-67). Of all the land divisions, perhaps the most significant management unit was the *ahupua‘a*. *Ahupua‘a* are subdivisions of land that were usually marked by an altar with an image or representation of a pig placed upon it (thus the name *ahu-pua‘a* or pig altar). In their configuration, the *ahupua‘a* may be compared to wedge-shaped pieces of land that radiate out from the center of the island, extending to the ocean fisheries fronting the land unit. Their boundaries are generally defined by topography and geological features such as *pu‘u* (hills), ridges, gullies, valleys, craters, or areas of a particular vegetation growth.

The *ahupua‘a* were also divided into smaller individual parcels of land (such as the *‘ili*, *kō‘ele*, *māla*, and *kīhāpai*, etc.), generally oriented in a *mauka-makai* direction, and often marked by stone alignments (*kuaiwi*). In these smaller land parcels the native tenants tended fields and cultivated crops necessary to sustain their families, and the chiefly communities with which they were associated. As long as sufficient tribute was offered and *kapu* (restrictions) were observed, the common people, who lived in a given *ahupua‘a* had access to most of the resources from mountain slopes to the ocean. These access rights were almost uniformly tied to residency on a particular land, and earned as a result of taking responsibility for stewardship of the natural environment, and supplying the needs of the *ali‘i* (see Kamakau 1961:372-377 and Malo 1951:63-67).

Entire *ahupua‘a*, or portions of the land were generally under the jurisdiction of appointed *konohiki* or lesser chief-landlords, who answered to an *ali‘i-‘ai-ahupua‘a* (chief who controlled the *ahupua‘a* resources). The *ali‘i-‘ai-ahupua‘a* in turn answered to an *ali‘i ‘ai moku* (chief who claimed the abundance of the entire district). Thus, *ahupua‘a* resources supported not only the *maka‘āinana* and *‘ohana* who lived on the land, but also contributed to the support of the royal community of regional and/or island kingdoms. This form of district subdividing was integral to Hawaiian life and was the product of strictly adhered to resources management planning. In this system, the land provided fruits and vegetables and some meat in the diet, and the ocean provided a wealth of protein resources. Also, in communities with long-term royal residents (like Ke‘ei, Ka‘awaloa, and Kealakekua), divisions of labor (with specialists in various occupations on land and in procurement of marine resources) came to be strictly adhered to. It is in the general cultural setting outlined above, that we find the *ahupua‘a* of Kahauloa at the time of European contact.

The ocean resources fronting Kahauloa were integral to life upon the land. On the *kula kahakai* or shoreward flats, were found potable water sources (caves, wells and springs), several village clusters and many residents, groves of coconut trees, and low land agricultural fields. The *kula uka* or upland plains, extending up to an area above the *mauka Alaloa*, Keala‘ehu (near present day Māmalahoa Highway), was highly valued for its fertile lands, which were extensively cultivated. The lands extending from around the 2,000 to 5,000 foot elevation were cultivated in bananas, and were a significant resource of woods, fibers, birds, and other materials of value and importance to native life.

The current project area is located within Kahauloa 2nd near Kahauloa Bay along the southern shore of Kealakekua Bay. This area played a well-documented and significant role in the history of the Hawaiian Islands. Kealakekua Bay is the former home of some of Hawai‘i’s most powerful *ali‘i* and feared warriors. One such warrior, named Kekūhaupi‘o, was born of royal blood (his father was Kohapi‘olani, a Ke‘ei chief, and his mother was from Nāpo‘opo‘o) at Ke‘ei, just south of Kahauloa 2nd. An article published in *Ka Hōkū o Hawai‘i* on September 10, 1908 (translated by K. Maly) tells of Kekūhaupi‘o’s loyalty to Kamehameha and his role at the battle of Moku‘ōhai, which also took place just south of Kahauloa, against the chief’s cousin, Kiwala‘ō. Although a lower chief, Kekūhaupi‘o fought so well in this battle that he came to be known as “*Ko Kamehameha koa a waele makaihe*” (Kamehameha’s warrior who weeds through men with a spear) and he became the most cherished companion of Kamehameha, outside of his own uncles. Kekūhaupi‘o continued to live at Ke‘ei and serve Kamehameha for the remainder of his life, which he lost not in battle, but at the sport of spear fighting.

Kealakekua Bay (more precisely the flats of Ka‘awaloa north of the current project area) is perhaps best known as the place where Captain Cook first made landfall on the island and then ultimately met his demise. The arrival of Europeans on Hawai‘i Island began a long series of events that would eventually, but not immediately, alter the Hawaiian way of life. As Major writes, “From the moment Cook and his crew arrived, relations between Native Hawaiians and outsiders were heavily influenced by the sailors’ need for supplies” (Major 2001). Because of Hawai‘i’s isolation in the mid-Pacific it made an excellent way point for Europeans and Americans involved in the East Indian and northwest American trade networks (Sahlins 1992). Kealakekua Bay, with its excellent anchorage and abundant supply of food soon became the most frequented harbor by visitors to the island. Thus began the written history of Hawai‘i.

Captain James Cook and members of his crew provided the first European accounts of the coastal region in 1779. The journals and diaries of the expedition noted the political and religious importance of the area. Descriptions provided by John Ledyard and Lieutenant James King of the expedition described the coastal area to approximately 3 miles inland as being cultivated primarily in sweet potatoes (*‘uala*). These were grown in small enclosures separated by low walls (Ching 1971). Also grown in this coastal zone were sugar cane, *wauke*, and banana trees. Breadfruit trees (*ulu*) were cultivated in the area situated inland of this coastal habitation and agrarian zone. Archibald Menzies, who was a member of Captain George Vancouver’s 1792-1794 expeditions, provided descriptions of the coastal and upland areas and observed that the upper elevations were cultivated primarily in taro and ti.

Some of the first Europeans to reside permanently on the island, besides sailors who jumped ship, were Christian missionaries. In 1823, William Ellis visited this coastal area during his tour of the Island of Hawai‘i. After leaving Ke‘ei village for Hōnauanu, he described passing the location of the decisive battle of Moku‘ōhai where Kamehameha defeated his cousin Kiwala‘ō for control of half of the island of Hawai‘i. His description of the battlefield follows:

Since leaving Ke‘ei, we had seen several heaps of stones raised over the bones of the slain, but now became more numerous. As we passed along, our guide pointed out the place where Tairi, Tamehameha’s [Kamehameha’s] war-god, stood, surrounded by the priests, and, a little further on, he showed us the place where Tamehameha himself, his sisters, and friends, fought during the early part of the eighth day. A few minutes after we left it, we reached a large heap of stones overgrown with moss, which marks the spot where Kauikeouli [Kiwalaō] was slain. (Ellis 1963:95)

In 1824, Reverend James Ely established the South Kona Mission Station on the Flats of Ka‘awaloa (Maly and Maly 2002). The Mission set up not only churches in South Kona, but schools as well (for formal education and the spread of the Christian word). In the Missionaries’ reports, much information pertaining to daily life in South Kona, church happenings, and local populations can be found (see Maly and Maly 2002). One missionary letter, written by C. Forbes on November 8, 1835, states, “I suppose there are something like 2,000 inhabitants on that [south] side of the bay in the villages of Kealakekua, Napopo-Keii [Nāpo‘opo‘o & Ke‘ei].” (cited in Maly and Maly 2002:82)

The best source of documentation pertaining to native Hawaiian residency and land use practices—identifying specific residents, types of land use, crops cultivated, and features on the landscape—is found in the records of the *Māhele ‘Āina* (Land Division) which the King entered into with the chiefs and people in 1848. The “Land Division” gave native tenants an opportunity to acquire land (in fee-simple) that they lived on and actively cultivated.

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 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 as well. In 1848, the Hawaiian system of land tenure was radically altered by the *Māhele ‘Āina*. This change in land tenure was promoted by the missionaries and the growing Western population and business interests in the island kingdom. Generally these individuals were hesitant to enter business deals on leasehold land.

The *Māhele* (division) defined the land interests of Kamehameha III (the King), the high-ranking chiefs, and the *konohiki*. As a result of the *Māhele*, all land in the Kingdom of Hawai‘i came to be placed in one of

three categories: (1) Crown Lands (for the occupant of the throne); (2) Government Lands; and (3) Konohiki Lands (Chinen 1958:vii, Chinen 1961:13).

The “Enabling” or “*Kuleana Act*” (December 21, 1849) laid out the frame work by which native tenants could apply for, and be granted fee-simple interest in “*kuleana*” lands, and their rights to access and collection of resources necessary to their life upon the land in their given *ahupua‘a*. The lands awarded to the *hoa‘āina* (native tenants) became known as “*Kuleana Lands*.” All of the claims and awards (the Land Commission Awards or LCA) were numbered, and the LCA numbers remain in use today to identify the original owners of lands in Hawai‘i.

The *ahupua‘a* of Kahauloa 2nd was awarded as an *ali‘i* award to Kanele during the *Māhele*, LCAw. No. 32 (Royal Patent No. 1663). This land inherited by Bernice Pauahi Bishop and eventually came to be held by the Kamehameha Schools Bishop Estate. A review of the Waihona ‘Āina database indicates that at least nineteen *kuleana* were claimed in Kahauloa 2nd, three of which, all house lots, are situated adjacent to the northern boundary of the current study area. All of these awardees also claimed agricultural lands distant from their house lots, in more *mauka* sections of the *ahupua‘a*.

The population of South Kona declined during the early nineteenth century and Hawaiians maintained marginalized communities outside of the central population centers. These communities were located in the “out-of-the-way” places, like Ka‘awaloa Point, while the recently immigrated Asian and *haole* populations lived above the *pali* (Alvarez 1990). In the aftermath of the *Māhele*, economic interests in the region swiftly changed from the traditional Hawaiian land tenure system of subsistence farming and regional trading networks to the more European based cash crops including coffee, tobacco, sugar, and pineapple, and emphasized dairy and cattle ranching.

The Keawaiki Beach Lots were established in the early 1960s by the then landowner Kamehameha School Bishop Estate. The ten (originally 11) lots were sold in fee simple and Kamehameha Schools retained the remaining land *mauka* of the Beach Lots (the land encompassed by the current lease agreement between Kamehameha Schools and the Bundrants). There are three (two *mauka/makai* and one lateral) unpaved roadways that traverse the Kamehameha Schools-owned, and Bundrant-leased property: Ke‘ei Beach Road, considered a public right-of-way, crosses the property to the south; an unnamed lateral road that once connected (which is now blocked) Ke‘ei Beach Road with Kahauloa Road; and the Keawaiki access road that connects the main Pu‘uhonua Road with the unnamed lateral road. According to Kamehameha Schools the access road servicing the Keawaiki Beach Lots and the unnamed lateral road are private roads and have always been so. Kamehameha Schools sought a determination from the state *Na Ala Hele* program about the former alignment of a coastal trail in the area (see Figure 2), and *Na Ala Hele* concluded that the trail was also privately owned and not a public right-of-way that is owned by the state. The state’s position with respect to the ownership of this former trail was confirmed in a recent phone conversation and email correspondence with Moana Rowland of the *Na Ala Hele* program.

CONSULTATION

When assessing potential cultural impacts to resources, practices, and beliefs; input gathered from community members with genealogical ties and/or long-standing residency relationships to the study area is vital. It is precisely to these individuals for whom meaning and value are ascribed to traditional resources and practices. Community members may also retain traditional knowledge and beliefs unavailable elsewhere in the historical or cultural record of a place. As part of the current assessment study several individuals were consulted; during these consultations other potential interested parties were identified that were also contacted.

Steven Wilcox was contacted by telephone on June 22, 2009. His family (a *kama‘āina* family with genealogical ties to Kaua‘i) now owns and has resided on five parcels at Kahauloa Bay adjacent to the Keawaiki Beach Lots for over 30 years. Steven’s father Allen C. Wilcox, Jr. first moved to the area in the early 1970s and lived there until his passing in 2003. Steven related that from his experience the only traditional and customary use of the area has been fishing that occurs along the rocky shoreline fronting his family’s properties and the Keawaiki Beach Lots. Steven expressed support for the placement of the gates on the Keawaiki access road, which also provides access to his family’s property.

On July 7, 2009, an informal consultation was conducted at the Kahauloa Bay extended family residence of Maxiedel “Uncle Del” Navas and Lawrence Alu (uncle Del’s nephew). These individuals have strong genealogical ties to the area having descended from Hawaiians resident in Kahauloa dating from pre *Māhele* times, and likely Precontact times. Uncle Del’s personal recollection of the current study area extends back to 1956, when he was a small boy walking the trails and roads and collecting water from the formerly several (now only one) *punawai* in and around Kahauloa Bay. He explained that before the houses along Keawaiki Beach were built, foot traffic for travel to Ke‘ei was along the old coastal trail where the houses are now or for subsistence activities directly along the shoreline; and that people also used the roadway that is *mauka* of the houses for vehicular travel. His nephew Lawrence added that now the direct shoreline is impassible due to excessive vegetation planting, and that the lateral vehicle road has also been blocked in the vicinity of the Wilcox parcels. Both Uncle Del and Lawrence felt strongly that gating the Keawaiki access road is a bad idea, citing their perception of the cumulative impacts on traditional access across Kahauloa 2nd Ahupua‘a; that such access is being pushed further and further away from the shore.

At the conclusion of this consultation, Lawrence Alu indicated that there is a community group (Mālama Pono Kealakekua) that might be interested in commenting on the proposed action, and that Michael Matsukawa was a principal in that group. In a 2002 legal proceeding, the Office of Environmental Quality Control recognized the organization Mālama Pono Kealakekua as an affected citizens group that must be consulted in the Environmental Assessment process relative to development of the State Park at Kealakekua Bay. Mr. Matsukawa was contacted by telephone on July 9, 2009 and he related that as far as he knew the group Mālama Pono Kealakekua, of which he is a member, has been idle for several years. He had no comment with respect to the proposed gate installation on the Keawaiki access road.

On June 22, 2009, Gordon Leslie was consulted by telephone. Gordon’s genealogy ties him to South Kona and he is a resident at Manini Beach along the southern shore of Kealakekua Bay, situated just to the north of the current study area. He is culturally active in the community and has served as the chair of the cultural committee of Mālama Pono Kealakekua. Gordon related that his family once own land in the immediate vicinity of the study area. He also indicated that he thought the Keawaiki access road was constructed after 1964. Gordon was aware that the study parcel contained numerous archaeological features and concurred that the placement of gates would likely not directly adversely impact any such features. However, he was resistant to the concept of the gates as he felt that all of the former traditional access ways between Kahauloa Bay and Ke‘ei have already been extinguished, citing the houses constructed on the ancient foot trail and the blocking of the alternative lateral coastal road. It is his belief that the vehicle roads function to mitigate the loss of the ancient foot trail.

POTENTIAL CULTURAL IMPACTS

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:

“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. 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.

As a result of the archaeological reconnaissance (Rechtman 2009) there were no archaeological resources identified that would be impacted by the placement of the gates as proposed. In fact, the placement of the gates may serve to protect the archaeological resources that were identified within the larger study area. Inadvertent damage to archaeological features was observed during the reconnaissance, which was likely the result of off-road vehicle activity. The placement of the gates would definitely curtail such activity.

Likewise, during consultation with community members there were no resources identified that would be impacted by the proposed construction of the gates. However, consultation brought to light one potential access-related cultural impact. It is felt by some that the placement of the gates will exclude individuals in the community from using roads that they have been accustomed to using for many years, roads that they feel are substitutes for the former coastal foot trail. The primary gate that is proposed near Pu‘uhonua Road (Figure 3) will be a keypad/remote controlled gate used by the Keawaiki Beach Lots residents and their visitors. The secondary gate near Ke‘ei Beach Road (see Figure 3) will be padlocked as it is not intended to be used for regular vehicular access. While the placement of the gates will certainly limit vehicular through-traffic on the Keawaiki access road, it will in no way preclude pedestrians from traveling along the Keawaiki access road between Pu‘uhonua Road and Ke‘ei Beach Road. In fact, a cindered walkway will be established adjacent to the gate structure for the express purpose of facilitating pedestrian travel.

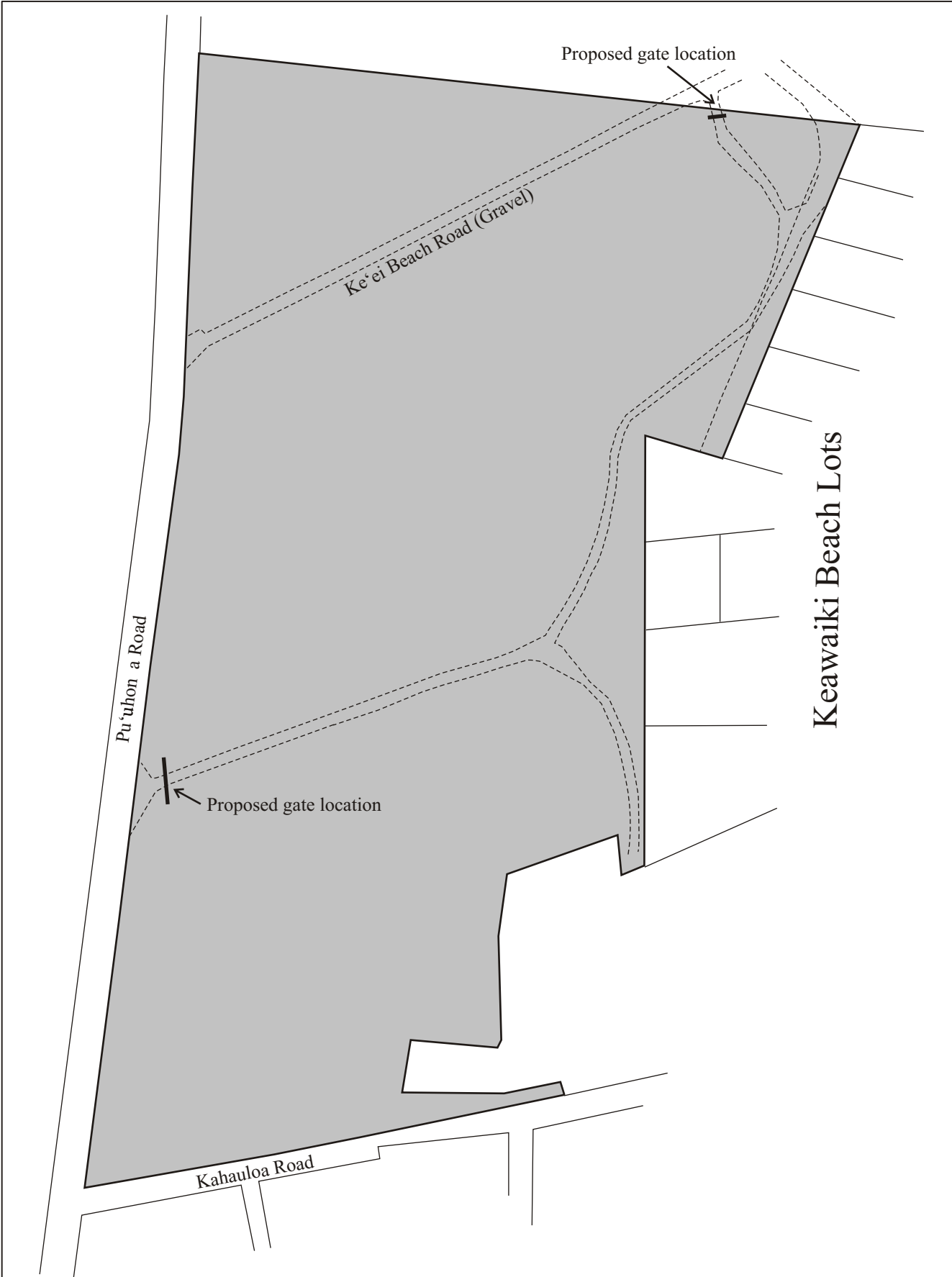


Figure 3. Locations of proposed gate.

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