

Kona Three LLC
101 Hualalai Street
Hilo, HI 96720

May 8, 2024

Mr. Jackson Bauer, Trails and Access Specialist
Na Ala Hele Trails and Access Program
Division of Forestry & Wildlife
State of Hawaii Department of Land & Natural Resources
19 E Kawili Street
Hilo, HI 96720

RE: Trail and Holua Concerns Raised About “Royal Vistas” Project

Dear Mr. Bauer,

In 1979/1980 Japanese businessman Mr. Gamo acquired 174 acres of land in Holualoa 1st & 2nd in the North Kona District, and proceeded to entitle said land for residential development. After years of studies and reports and work on the entitlements, the land was approved by the community, the government, and developer for 215 estate lots/homes; 450 multi-family residential units; and 67 affordable housing units. Developer Gamo-san’s entities proceeded to develop the 215 estate lots (“Kona Vistas”) over the ensuing decades, but passed away before completion. The last phase of the estate lots was completed in 2007.

Kona Three LLC (“K3”), comprised of local businessmen Roland Higashi; Bob Williams; and Richard Wheelock acquired the remaining land holdings from Gamo-san’s entities in late 2015, with the intent to help complete the planned 450 multi-family units as apartments and condominiums for local residents (see Exhibit A) plus the 67 affordable residential units, also for local residents, as these had not been completed as required. Due to changing regulatory rules, K3 had to update much of the archeological and cultural information and studies, as well as design and entitle the planned multi-family residential project (“Royal Vistas”).

Working diligently on said planning, design, information-gathering and entitlements since 2016, this process culminated in an Environmental Assessment submitted by the County Planning Department. After a year-long process, a Finding of No Significant Impact (“FONSI”) was issued on the EA for the Project on September 13, 2021. K3 proceeded to submit their Request for a Time Extension for their zoning ordinance to continue to process the entitlements for Royal Vistas, and a hearing before the Leeward Planning Commission (“LPC”) was scheduled for December 15, 2022.

This project has been strongly opposed by neighbors of the project, primarily residents of “Kona Vistas” (the 215 estate lots built as Phase I of the project to the south) and “Pualani Estates” (a neighborhood to the north). The opponent’s number one objection to the project has been that connecting the existing County-owned roads through Kona Vistas and Pualani Estates will increase traffic through those subdivisions. Opposition has been led by David Blancett-Maddock, Esq., his wife Diane (also educated in law), and John Mark Powell, all retirees from the Mainland.

Subsequent to the FONSI being issued, some members of the community raised questions about the possibility that an ancient trail may go through the Project's land, perhaps even the legendary Ke Ala Ko Wa'a trail (the trail for canoes, for which "Holualoa" is apparently named). Although there had been no indication of any such trail in numerous Archeological and Cultural Reports plus many field inspections on the Property, K3 further investigated this possibility based on input from said residents, and the results of that investigation showed no such trail of record through the Project lands existed.

In mid-July 2022 you, Mr. Jackson Bauer from the Hilo office of Na Ala Hele [State trails organization, a division of the Department of Land and Natural Resources ("DLNR")] inquired to the County Planning Department ("PD") as to the status of the Project and its entitlement process. The County informed you of said status, and you sent an email (See Exhibit B) to the PD stating that there is a State-owned mauka-makai trail running through the Project as determined by the State Attorney General ("AG") which has been well documented in archeological reports, and that said trail needs to be preserved with buffers.

This was surprising news to K3, whose consultant reached out to you requesting confirmation and documentation of said claims. You responded (See Exhibit C) that you had some information about a trail on the property and you were doing due diligence. You told our consultant you would provide a formal comment letter no later than the deadline of August 9, 2022. No comment was received by the PD by August 9, 2022.

Four months after the deadline, on December 14, 2022, the day before our Leeward Planning Commission ("LPC") hearing, you delivered a formal response (see Exhibit D). You pointed out that Holualoa has a history of extensive agricultural field systems above and within the subject Property, and that extensive mauka-makai trails connected agricultural fields with villages and fisheries on the coastline; that were used well into the 20th century. You pointed out that a portion of a 1928 strip map, when stitched together with a 1914 Holualoa Hui map, might show continuous trails. One of these is in the vicinity of the existing rock wall features that formed the boundaries of LCA 3660 (portions of which are within the subject Property). You stated that these double rock walls form a narrow corridor consistent with similar trail attributes in the area, i.e. "Judd Trail".

You also pointed out there is an important site below the Property and between the network of trails, specifically the Kealakowa'a Heiau complex. As its name suggests (along with the historical accounts and histories), this was an important site in relation to the canoe carving and the hauling of canoes on these *mauka-makai* trails (*Ke ala* = "the trail", *ko wa'a* = "for canoes").

You looked at maps of the area as well as considered the cultural and historical context of the maps and felt there had not yet been enough research on the known trails and their alignments in this area. You felt *"All of this evidence points to the assumption that the origin of these trails may predate the historic period and may be viewed as government-owned public trails, per the Highways Act of 1892."*

You made three recommendations:

Recommendation 1: More research is needed to investigate the vintage and potential alignments of these trails based on existing maps, known use patterns, testimony, and context.

Recommendation 2: Honor the alignment of the trails, even if archaeological evidence has been displaced. Consider utilizing the trail corridor as a pedestrian access incorporated into the development plans.

Recommendation 3: Consult with the Nā Ala Hele Trail and Access Program and the Ala Kahakai

National Historic Trail to discuss the above recommendations further.

Based upon your Na Ala Hele Report, the LPC voted to defer the Project hearing and referred K3 to the County Cultural Resources Commission (“CRC”) for review and input on this matter.

At the initial CRC meeting on 3-8-23 you and your associate Mr. Rick Gmirkin, Trail Specialist with the National Park Service, presented testimony to the CRC. You explained about the 1892 Highways Act; the Mission of Na Ala Hele; and that the subject property had a lot of investigation done on it, but not related to trails. You could find no maps showing trails on the property prior to 1892. You also stated that the walls on LCAw 3660 boundaries reminded you of holua.

Rick Gmirkin then referenced an aerial photo from the 1950’s showing a path/trail around LCAw 3660. He said it was possibly a cattle trail, but is similar to a holua. He recommended that either Keone Kalawe or Tom Stone do further investigation as they are knowledgeable on holua.

Based on the testimony at the CRC meeting, the CRC voted to appoint a Permitted Inspection Group (“PIG”) and perform a site inspection themselves.

On 3-23-23 the PIG performed the site inspection, led by you and Rick Gmirkin. The PIG members were Aaron Spielman; Ku’ulei Keakealani; and Nicole Lui. Also attending were staff from SHPD and Kona Three consultants Glenn Escott, MA; Daryn Arai; and Mike Matsukawa, Esq. The inspection focused first on Way 4 (see Exhibit E) and its proximity and the alignment to LCA 3660 walls; then on LCA 3660 walls themselves and their relationship to the Strip Map Trail you provided; and then on the two walls makai of the railroad right-of-way (“RR ROW”) towards the southern end of the property.

Rick Gmirkin opined that the LCA 3660 walls and the ground situation between them strongly reminded him of various holua he has seen, and he felt that the LCA 3660 walls were remnants of a holua. You and Rick jointly opined that you both felt the two walls were part of a trail likely linked to Holualoa Village mauka of the RR ROW, and may have overlaid an ancient trail.

On 5-10-23 the CRC PIG Report on the site visit was presented to the CRC members. Nicole Lui talked about the mauka-makai trails and opined that the historic trail (LCA 3660) might be considered under the Highways Act. She quoted Rick Gmirkin as stating the LCA 3660 trail might have been holua. As to the two walls’ alleged trail remnant, Nicole said it was evident that it was related to the Holualoa Inn Trail, and that the remnant should be preserved in place.

PIG member Keakealani added that the ka pa’akai is important, and noted the sighting of an l’o at the end of the inspection. She felt grateful for seeing a “niho” stone on-site, and feels what features remain on the property are truly significant.

The PIG recommended further investigation of the property.

Kona Three retained archeologist Glenn Escott to perform additional investigation of the property, with particular attention to trails. After careful consideration of qualifications, Kona Three selected Cultural Practitioner Keone Kalawe (recommended by Rick Gmirkin) to do an investigation of holua on the property. Additional site inspections by these professionals occurred and Reports were written. On May 21, 2023 the CRC held another meeting at which several members of the public testified.

Diane Blancett-Maddock from Kona Vistas testified that PONC added this property to their PONC list in 2022, but that the Commissioners were prevented from access. She testified that Councilwoman

Rebecca Villegas told Diane the day before that she is actively working on a PONC acquisition of the property.

David Blancett-Maddock from nearby Kona Vistas testified the government presented evidence that there are trails on the property (apparently he was referencing your previous email), and that the CRC meeting today is about trails, truth and Western history. He said it is now on the record that two trails, perhaps the last two in Kona, are on the property and that CRC should keep them for Hawaiians, not for developer's profits.

Kona resident Lamaku Roy testified that she succeeded her father David Mauna Roy in 2005 as leader of the O'iwi, first-born of God and descendants of Mu. She does not want the property developed.

Kona resident Simi McMichael testified that kanaka maoli children walked the trails on the property, and that ranchers moved cattle down Hualalai Road and life was better back then. Now the traffic is insane, especially at Lako and Kuakini Highway. Also, there is no infrastructure or water for this project.

East Hawaii resident and PONC Commissioner Deborah Ward testified that she has viewed the property, and it is designated as important cultural land.

Archeologist Glenn Escott then presented his updated trail report, which documented that the walls on LCA 3660 were boundary walls, and there were no holua on the property. His report confirmed there is no ground evidence of a trail on or along LCA 3660, but there could have been one previously. He also confirmed that the southern two walls were built around the same time as the Holualoa Hui trail remnant on the Holualoa Inn property, in the late 1890's, and that they could have been connected.

Cultural practitioner and holua expert Keone Kalawe then presented his report on holua, documenting that there are no holua on the property.

The CRC made motions regarding the property, which motions included the language that the project would have "substantial but acceptable" impacts on the land. The meeting was ended for reasons not clear before a final vote on the motions were held, and the matter was continued to the next CRC meeting.

On 7-12-23 another CRC meeting was held, and project opponent David Blancett-Maddock introduced cultural practitioner Tom Pohaku Stone as a "lineal descendant" of the ahupua'a, and as an expert on holua. Tom testified that although his family has been on Oahu for generations, his forebears carried the name "Mahihelalima" until 1862, and were Alii Nui of Kohala. The other side of his family were "Kahanu" from Ka'u.

He referenced the project as being in Puapua'a, which has three ili, all of which are a part of Lanihau. He described the Kona Field System as a grid of walls to move water for farming, and said people lived there to maintain the system.

He talked about holua, and how originally holua was for moving felled trees to the coast for carving into canoes, and that smaller holua or portions of larger holua were developed later for use in sledding (he'e holua), a practice important for sporting, religious and cultural purposes. Tom builds these sleds and they are displayed worldwide. Tom also practices and teaches he'e holua. In his words, he is not an "expert" but rather a native seeking knowledge. Tom said just because a holua is not there now does not mean it wasn't before. He again stated the land lies within Lanihau ahupua'a.

Tom is not in favor of this development, and in fact feels that all development in Kona should be stopped. He requested the CRC forego giving the project a 10-year extension in their Zoning Amendment request.

Commissioner Kealoha spoke afterward, and said he felt based on Mr. Stone's testimony and that of the neighbors, he proposed amending the previously proposed language of the CRC Motion regarding the project from "substantial but acceptable" impacts on the land to "preserve in place" for the entire site. There was also CRC discussion that would recommend that Kona Three work with the PONC fund to sell the land to PONC, but the attorney representing the County Corporation Counsel said that language could not be in the CRC Motion. This revised Motion was seconded by Commissioner Hirono and passed by the CRC.

Specifically, the CRC recommendation was as follows:

1. Due to the historic and cultural significance of the property, the CRC recommends that the property be preserved in perpetuity. In the event that this is infeasible, the CRC recommends the following conditions be required to be completed prior to any development permit approvals by the County.

a. In order to be integrated into the development design, the CRC recommends further documentation of lineal descendant and kama`aina knowledge of the natural and cultural resources of the project area, inclusive of trails.

b. That the applicant, in consultation with the community, amend the current development plan to include larger open space areas that more sensitively integrate and protect the natural, historical, and cultural features of the landscape, including trails and other cultural sites, as well as natural features of the terrain such as drainage channels, and native plants.

This Letter Report is a response to your three recommendations and to the CRC recommendations for the Property. This Report provides some background information and summarizes the findings of detailed studies on six different Sections of interest to the community and authors:

- I) Kealakowa'a Trail
- II) Holualoa Hui Access Easements
- III) LCA 3660
- IV) Two Walls near Way #7
- V) Holua
- VI) PONC

Background of Subject Property

The Royal Vistas land has been used for cattle grazing since the early 1800's, and that use continued without change for well over 200 years. Cattle continue to range on the land to this day. In 1901 the Kona Sugar Company built a 3' wide narrow-gauge railroad along the entire mauka boundary of the Project. That railway was removed after failing in 1926. The railway changed hands to Kona Development Company in 1906, then to Mr. Kondo in 1915. It served primarily to haul harvested sugar cane to the KD Mill located in Waiaha, about a mile north of the Project. This mill, built in 1899, served

to process sugar cane harvested from about 2,500 acres of cane land farmed on a plantation plus small plots mauka of the railway by several hundred farmers. It also carried passengers under a common carry arrangement.

As noted by Mr. Bauer: "The Holulaloa ahupua'a was a main population center for pre-contact Hawaiian society. Extensive agricultural field systems are present above and within the subject area. Extensive mauka-makai trails were known to connect these agricultural fields with the coastal villages and fisheries, many of which were continued to be used well into the 20th century (See testimony from Goro Inaba, Exhibit A)."

From the SCS AIS:

"Dwellings are often scattered throughout the agricultural portion of the kula, but they are commonly concentrated along the shoreline subdivision of the kula zone (Cordy 1981). The shoreline zone, extending inland approximately 200 m, was used primarily for permanent habitation and other non-agricultural activities, such as canoe storage, ceremonial and burial practices, recreation, and fishing-related activity.

Royal centers and high chiefly centers were also situated within the shoreline of the kula (Cordy 1981; Haun et al. 1998; Hommon 1986). These complexes include dwellings for rulers, chiefs, and the supporting populace, places of refuge, and other structures (Berrigan et al. 2010). Single, or clustered, burials are also situated in the shoreline, and near-shore kula (Han et al. 1986; Hammatt and Clark 1980; Hammatt and Meeker 1979). Burials occur in caves, within finely built platforms, cruder rock mounds, and houses in the shoreline, and are more often in the near-shore kula (Cordy 1995; Han et al. 1986; Schilt 1984; Tainter 1973; Tomonari-Tuggle 1993).

The large, and densely populated, royal centers were situated at several locations along the shoreline between Kailua and Honaunau (Cordy 1995; Tomonari-Tuggle 1993). The residential areas, large and small heiau, sporting areas, and burial clusters, are present continuously farther inland than the usual 200 meters for the shoreline habitation portion of the kula. Consequently, a variety of non-agricultural features are present in the kula near royal centers.

The *kalu'alu* zone above 150 m above mean sea level (amsl) is a wetter region above the *kula* where bread fruit and other arboreal crops were cultivated (Kelly 1983). Sweet potatoes (*Ipomoea batatas*), ti, (*Cordyline fruticosa*) wauke (*Broussonetia papyrifera*), taro (*Colocasia esculenta*), and sugar cane (*Saccharum* sp.), planted among the arboreal crops, were mulched with grass (Menzies 1920:75-76). The current project area is in the upper *kula* and lower *kalu'ulu* zone.

Above the *kalu'ulu* zone, in the *'apa'a* zone, fields with low stone walls were cultivated with bananas, sweet potatoes, taro, wauke, melons, ti and sugar cane (Cordy 1995; Handy 1940; Newman 1970; Schilt 1984). The *'apa'a* zone was notable for fresh water springs. Above the *'apa'a* zone was the *ama'u* zone where walled fields were created to grow plantains and bananas. Timber from various tree species was collected from the *'apa'a* zone and the *ama'u* zone. Bird catching and other forest resources extraction activities were conducted in these upper two zones. Temporary habitations were constructed to be used seasonally when working in the uplands.

In this region, people initially moved into coastal settings and more upland settings (e.g., the *apa'a* agronomic zone) at the same time, essentially ignoring the drier intermediate zone (except, of course, as a throughway between their gardens and the sea). In this way, the first settlers could immediately plant seedlings in the wetter uplands, knowing the crops would succeed. Permanent settlement would have first been restricted to the coast, but the same people would have also been occupying the uplands (at least temporarily) as well. It is only later that the “intermediate zone” (and the *kalu'ulu* agronomic zone), would have been utilized for planting.”

Summary: Based on Escott's discussions, the Project lies partly in the upper *kula* section and partly in the lower *kalu'ulu* zones, or in an intermediate zone. A review of findings from Escott's AIS, as shown on attached Exhibit F (being Table 8 from the Escott AIS), the entire 68-acre project yielded 17 archeological sites. Of these, a total of six sites were deemed Pre-Contact: 1) a rock clearing mound/temporary housing; 2) an agricultural complex of level dirt terraces constructed on slope; 3) two temporary or semi-permanent housing sites; 4) one permanent habitation site; and 5) one petroglyph on a boulder. Escott also found one burial site.

So although the Project site was very lightly populated and not farmed very much Pre-Contact, it lay between the more densely populated seaside zone and the more densely populated and farmed *kalu'ulu* and *'apa'a* zones. Given that pack animals were not introduced until the 1800's, the residents had to walk on trails across the intermediate zones, and probably rode pack animals on the same trails until larger roads and vehicles were introduced. This aligns with Mr. Bauer's observations.

Section I. Kealakowa'a Trail Summary (See attached Section I-Kealakowa'a for details)

As you know, there have been questions as to the location of Kealakowa'a Trail, associated with Kealakowa'a heiau and built by Umi a Liloa in the 1400's to bring koa logs down to the coast for carving into canoes and launching into the sea. This trail purportedly led to the area being named Holualoa (long holua, the Hawaiian name for a logging road/trail). Kealakowa'a has been translated as “path of the canoe” by Hawaiian cultural expert Keone Kalawe.

Research uncovered some answers to this long-vexing question, and the location of this trail has been verified through records found at the Bishop Museum and State Archives, coupled with old maps and current knowledge. The trail existed adjacent to and just north of the ancient Ili Laula 1, in Holualoa 1 at the boundary of Holualoa 2, just north of four Land Grants (see Exhibit G).

Kealakowa'a trail existed from above Holualoa Village down to Holualoa Bay, and was used by local pedestrian traffic (and likely donkeys and Jeeps) until the 1940's. It was abandoned, likely due to newer roads being built, and disappears from maps after 1945. Much of the upper portion of the trail still exists and, although unimproved, could be re-vitalized and used for public purposes. A stretch between the Alii By-pass Highway route to the bottom of Komohana Kai subdivision also is unimproved and could be re-vitalized. The middle segment between Hualalai Road and to the bottom of Komohana Kai subdivision has been destroyed by the development of housing (including Kona Vistas subdivision) and a commercial lot (see Exhibit G-1). Technically the entire trail may still be owned by the State, including the developed portions, according to you, Jackson Bauer, referencing the Highways Act of 1892.

NONE of the Kealakowa'a Trail was or is located on the planned Royal Vistas property.

Section II. Holualoa Hui Access Easements (See attached Section II for complete Report)

There were numerous trails and roads mauka of the Property, all identified in a 1914 Holualoa Hui Partition Map (See Exhibit H), and you speculated that by “stitching together” this map with the 1924/1928/1932 USGS and/or Strip Maps that it was possible that there may have been a connection between one or more of these trails below the railroad right-of-way (“RR ROW”) with one or more of the Ways above the RR ROW. Research shows that there is indeed one older trail that runs mauka-makai across the RR ROW, and that trail is the previously discussed Kealakowa’a Trail, shown above the RR ROW as Way 8 and being unnamed but marked below the RR ROW. It is not on our project land.

As the attached Section II Report details, none of the other trails crossed the RR ROW. The Report notes that one or possibly two walls at Way #7 *may have* extended below the RR ROW prior to the building of the RR in 1901, but these walls were post-contact (historic) and were ranching walls. There is no evidence of a trail. This is further discussed in attached Section IV-Two Walls at Way #7.

The other seven trails, together with the government roads, provided access to the residents of Holualoa for living, farming, and ranching purposes. No maps or evidence was found showing continuous trails across the RR ROW onto the Property.

Section III. LCA 3660 (See attached Section III for complete Report)

There was a Land Commission Award (LCA 3660) running mauka makai through the Beach; Kula; Orchard; Mauka and Forest Tracts of Holualoa Hui lands that was NOT part of the Holualoa Hui lands but was surrounded by them. This land had a different ownership history than the surrounding Holualoa Hui lands. LCA 3660 was given by Kingdom Governor Kuakini to his herdsman in 1831 (before the Mahele even occurred), and the LCA was confirmed after the Mahele did occur. The Subject Property is in the Upper Kula Tract and includes the portion of the LCA 3660 in the said upper Kula Tract.

Your stated concern that a trail marked on several government maps in the 1920-1930’s may have been connected to Way #4 of the Holualoa Hui trail system, and crossed the RR ROW, as it shows as being on or near LCA 3660, which is in the proximity of Way #4. Research showed this was not the case.

John Munn confirmed his land ownership after the Mahele in accordance with the law at that time (1800’s), and public testimony showed the property was walled off, as required to contain cattle in agricultural areas. The Land Commission records also document there was NO trail or road on the property at that time (see Exhibit I).

In 1911, subsequent to the Commissioner auctioning off the surrounding Holualoa Hi lands to Gouveia in 1908, this portion of LCA 3660 was sold to Gouveia and consolidated with the surrounding lands. All these lands continued to be ranched by Gouveia and his family until they sold these lands to the Dillinghams and Carlsmiths in the 1950’s. It continues to be ranched to this day.

The LCA 3660 trail you expressed concern about first shows up in a 1924 USGS map (see Exhibit J), being one of about 50 trails amongst about 50 cattle walls marked on said Map. It disappears from maps after the 40’s, and there is no evidence on the ground of any such trail today.

The walls of LCA 3660 where it meets the RR ROW are about 40 feet apart, whereas the walls of Way #4 are less than 10 feet apart. The walls do NOT align, with Way #4 being north of and adjacent to LCA 3660

boundaries. The LCA walls are built differently and of different dimensions than the Way #4 walls. All evidence shows these features were NOT part of a longer trail that crossed the RR ROW at Way #4.

Section IV. Two Walls at Way #7 (See attached Section IV for complete Report)

Another area of “stitching together” involves Way #7 of the Holualoa Hui trails, which is mauka of the RR ROW, and two walls makai of the RR ROW. It has been speculated that the two walls may have been a continuation of the Way #7 Holualoa Hui trail, and that both may overlay an ancient trail. We looked closely at these areas.

First, we examined the 1924 USGS map of the area (see Exhibit J), which had the most complete mapping of trails in the area, “stitched together” with Holualoa Hui Sheet 1 (Exhibit H, showing the trails in the area). Both showed Way #7 clearly, but there was nothing below the RR ROW on the subject property at that point.

Way #7 used to run from the RR ROW to Alanui Kawila trail, and is completely destroyed. A short jog north on Alanui Kawila trail is where Way #6 starts at the west end, and it runs mauka (east) to Hualalai Road. Way #6 runs from Hualalai Road to the Alanui Kawila trail, and is still mostly intact. Both are shown on Exhibit 5, and appear to have been about the same width. Since Way #6 is about 12 feet wide, it is assumed that Way #7 was also 12 feet wide.

Escott’s Holualoa Hui Sheet 1 Markup (see Exhibit K) shows the relative locations of Way #7 above the RR ROW and the two walls makai of the RR ROW. Note that they do NOT align with each other. Note also that the two walls are 20 feet to 30 feet apart, while the Way #7 walls were only 12 feet apart. In addition, the two walls are dissimilar to each other in construction, indicating they were not built at the same time as each other. The construction of these walls are also dissimilar to Way #6 walls, which were Holualoa Hui trail walls.

The two walls have been defined as historic cattle ranching walls in three separate Archeological Inventory Survey Reports over the last 40 years, a conclusion approved by the State Historic Preservation Division (“SHPD”) in every case. There was no map we could find that showed a trail at this area, ever. The walls mauka and makai of the RR ROW did not align; were built differently; and were of very different widths. There is no history of any Holualoa Hui trail being built on the “kula” lands, which were so undesirable by the Hui members that these lands had to be auctioned off by the Receiver.

There is no evidence that the Way #7 trail crossed the RR ROW and continued on the makai kula lands.

Section V. Holua (see attached Section V for complete Report)

Jackson Bauer, trail specialist of Na Ala Hele, and Rick Gmirkin, park ranger with the National Park Service, opined that both the LCA 3660 walls as well as the two walls makai of Way #7 reminded them of *holua* walls. This opinion was echoed by project opponents, who used the services of noted *He’e holua* specialist Thomas Pohaku Stone of Oahu to advise them. Tom makes *he’e holua* riding sleds and teaches how to ride sleds down *holua*. We sought out *holua* expert Keone Kalawe to advise us. Keone is knowledgeable as to the design and construction of *holua* slides.

Tom Stone had previously identified a section of *holua* at the Holualoa Inn property (see Exhibit L) in a printed work some decades ago (see Exhibit M). This identification was proven wrong by an

archeological report done by Rechtmann for Na Ala Hele some years later. Rechtmann's archeological report (approved by SHPD and Na Ala Hele) correctly identified that section as a portion of Way #5 (Roadway) of Holualoa Hui partition, an identification that agreed with Goro Inaba's description of that section of "Holualoa Trail". In addition, it is my understanding that Tom Stone has never been on the Property, nor inspected any of the walls in question. Indeed, he seems to believe, based on his oral testimony at the CRC hearing, that these walls lie in the Lanihau ahupua'a, which is two and a half miles to the north of the Property.

Project opponent David Blancett Maddock introduced Tom Stone at the CRC hearing as a lineal descendent of Holualoa. Tom went on to describe his lineage, which is that his family name is now Stone, but it was Mahihelalina until 1862, and that this family included the *ali'i nui* of the Kohala district (25 miles to the North) on the Big Island many years ago. On the other side of his lineage is the Kahanu family from Ka'u (25 miles to the South). So his Big Island roots from generations ago were tied to the Kohala and Ka'u districts. This does NOT make him a lineal descendent of Holualoa.

Contrary to Tom Stone, Big Island Cultural Practitioner Keone Kalawe has a reputation as an architect and engineer for the actual *holua* slide (not just the sleds), and has been professionally investigating *hōlua* since 1996. He is from the Big Island (40 generations) and has worked on finding; identifying; re-constructing; analyzing and helping preserve some 72 *hōlua* on the Big Island during his career. He has done work for Kamehameha Schools; Queen Lili'uokalani Trust; and DHHL. When the Hawaiians want to know about *hōlua*, this is the person they turn to. We retained him to do an investigation on the Royal Vistas property as to whether or not there were *hōlua* on it.

He and his team did a site inspection and background studies and provided a written Report (see Exhibit N) and an oral Report (see Exhibit O). It is conclusive that there are no *holua* on the Property. Tom Stone's response to this was that "Just because there are no *holua* there now, doesn't mean there wasn't *holua* before". Unless the requirements of evidence have changed, we must conclude that there are NO *holua* on the property.

Section VI. PONC (See attached Section VI for complete Report)

The two parcels of land comprising the Royal Vistas project are two of five parcels between the Kona Vistas subdivision and the Pualani Estates subdivision (see Exhibit P). Although NONE of the existing single-family lots from either subdivision about the Royal Vistas project, the residents of these subdivisions are staunchly opposed to the County roads through their subdivisions being extended and connected, which is required by law as we develop the Royal Vistas project. The only way to stop this connection is to try to stop development on the intervening lands (Royal Vistas). Project opponents have elected to try to use County Public Access, Open Space, and Natural Resources Preservation Commission ("PONC") funds to buy the land to stop development, in spite of our telling them we won't sell to PONC. These public funds represent two percent (2%) of the annual real property taxes received by the County each year, and are earmarked for acquisition (by purchase or easement) of lands with important archeological; cultural; scenic; public enjoyment or access qualities. Anyone can submit a recommendation to PONC, but usually the PONC commission wants to work with a land-owner willing to sell the land, as they don't have the authority to condemn land.

In 2019, the President of the Kona Vistas Association of Apartment Owners Mark John Powell submitted Suggestion 2019-24 (Rezone 470) to PONC, recommending preservation of the project land for numerous reasons including the property would allow for trails and paths to be added; would allow for a more open feel between Kona Vistas and Pualani Estates subdivisions; and he noted the land has one

burial site, a lava tube, a railroad right-of-way, and could have been a Hawaiian gathering spot. It also referenced that the preservation would enhance both habitat and watershed preservation, and that the level of urgency for preservation justification was that there was a proposed 450-unit residential condominium project proposed for the land. The Suggestion scored below the minimum 50%, and was denied by the PONC. We did not know of the submittal at the time, and when we learned of it, we wrote PONC and told them we would not sell the land.

In 2020 Mr. Powell re-submitted the property as Suggestion 2020-018, re-naming the Suggestion “I’o Hill Preservation” and beefing up the reasons the property should be preserved. Besides making his language justifying preservation more flowery, he added some reasons, including the property can be used as a history teaching tool; the property has food terraces; and that the “rare twin walls of the Holualoa Slide” were on the property, together with “ancient relics”. In this Suggestion he changed “might have been” to “was” a Hawaiian gathering spot. He offered no documentation for these claims. The urgency became that there was a 450-unit market rate condo complex proposed for the “entire mountain”. The Suggestion again failed to achieve the minimum score of 50% and failed to make the list.

In 2021, Diane Blancett Maddock was the new President of the neighboring Kona Vistas Association, and she and her husband David took over the PONC application process for our property. They contacted me and asked if we would sell the property to PONC, and I told them, “no, we want to build local housing”. They then re-named the Application “Connecting the Holualoa Royal Complex-An Urban Trail-Walking in the Footsteps of our Ancestors” and submitted it as Suggestion 21-007 (see Exhibit Q) even though they knew we would not sell to PONC.

They made substantial changes to their Suggestion from John Powell’s previous two submittals to try to improve the attraction of the property for preservation, using very flowery and gushing language extolling the virtues of this land, with a focus on preserving the land for the Hawaiian people for generations to come. In addition to the preservation of this supposedly important historical and cultural site, and preserving this 70-acre open space between subdivisions, they added that this preservation would preserve public access mauka from Kuakini Highway, linking highly popular Walua Trail and Sadie Seymour Gardens. It would provide a wide variety of recreational opportunities, and allow the restoration of agricultural terraces. It would link the ancient Kealakowa’a Heiau with the Kealakowa’a Trail. It would preserve another ancient trail mapped in 1927. “By law, these historical trails are intended to be protected for the benefit of the public” is a quote from their Application.

Related to the “urgency” question regarding the Application, the Blancett Maddocks stated that “the developer is aware of our Application but is not interested in selling at this time.” They also stated that “However, the zoning extension of record to develop this land has expired and the development is disputed, and this land may become available upon short notice. It is, therefore imperative that this body [PONC] be positioned for quick acquisition.” In other words, the project opponents intend to continue to fight the requested zoning extension until the developer gives up and sells the land to PONC.

However, the Application still did not meet the minimum score of 50% required to be placed on the PONC list by the Commissioners. The Application was denied for the third time.

Then, in 2022, the Blancett Maddocks submitted Suggestion 22-08. It was identical with the Suggestion they had submitted in 2021, with the exception that they deleted “An Urban Trail” from the title. This deletion resulted in an increased score by 5 points from the PONC, and based on their misrepresentations and inaccurate Exhibits to PONC, they were able to get our property on the PONC list with a score of 53%, barely above the minimum and by far the lowest of the eight properties placed

on the 2022 PONC list. Kona Three was unaware of these events at the time, but it would not have made a difference as we have no intention of selling to PONC.

But now the Blancett Maddock's and others have made a big deal of the property being placed on the PONC list, trying to convince their opposition cohorts; government employees; local politicians; members of the public; and commission members on the Leeward Planning Commission, the Land Use Commission and County Cultural Resources Commission (CRC) that the placement on the PONC list was clear evidence that the various claims by the Blancett Maddock's and their related opponents about the archeological and cultural importance of this land was validated and must all be true. This became quite clear when a CRC Commissioner proposed a motion that would have forced us to work with PONC even as unwilling sellers (County Corporation Counsel advised that the motion was beyond the authority of the CRC). Some started to believe the many misrepresentations of cultural significance and inaccurate exhibits from the PONC application, and even from the PONC Inspection Report, as they were being passed off as true and accurate justifications to oppose the project by opponents David and Diane Blancett Maddock and John Mark Powell as well as others.

There are many misrepresentations and fraudulent exhibits in their Application, such as:

- Attachment A circles a State-owned drainage sump and calls it a heiau.
- Falsely claims Kealakowa'a Trail is on our property
- Falsely claims Walua Trail connects to our property.
- Falsely claims our property links Walua Trail with the Kealakowa'a heiau and Sadie Seymour Botanical Gardens.
- Falsely claims our property provides public access from Kuakini Highway.
- Falsely claims our property is linked to a Royal Center.
- Falsely claims a 1927 USGS map identifies an ancient trail.

See Section VI-PONC attached for more details. These statements are mostly in the three Pinocchio (gross misrepresentation) to four Pinocchio (outright lie) range according to fact-checker ratings. The plan is obviously a "bottomless Pinocchio" plan in the language of politics, where the antagonist repeats the lies and misrepresentations so often and persistently that the public starts to believe it. This is clear in that the PONC finally gave in and approved the property for the PONC list on the fourth attempt in spite of the obvious flaws in the application and lack of documentation of the Applicants' claims. We intend to have our attorney address these flaws and have the property removed from the PONC list based on these failings.

Conclusion: We have complied with your and the CRC's recommendations to investigate the vintage and potential alignments of stitched-together trails based on existing maps; known use patterns; testimony and context. We have found no evidence that shows any connection between Way #4 and a trail on or near LCA 3660. We found Kealakowa'a Trail, with much of it still existing, but it is NOT ON our property. We found no evidence that shows any connection between Way #7 and the two walls on our property makai of the RR ROW, but determined that the south wall was likely part of one of the first water systems in Kona (first one by the sugar plantation, second one on subject land by Gouveia). If you or anyone else has any evidence that shows otherwise, we would be grateful if that evidence were shared.

There are no Kona Field System features on the subject land. The Kona Field System is defined by kuaiwi walls with cross slope terraces. The kuaiwi, made of loose piles of stones wider than tall, are a series of closely-spaced parallel structures that are parallel to the mauka-makai slope and are intersected by

shorter, perpendicular retaining cross-walls. The kuaiwi system is extensive, but is found only in association with fertile soils. None of these features, including fertile soils, exist on the subject land.

All our investigations came up with evidence that was post-contact, primarily related to cattle ranching. We can incorporate said post-contact history into our development plans, but must comply with current State and County laws and ordinances (i.e. road names need to be in Hawaiian language, etc.). While it is undisputed that hundreds of ancient Hawaiians living in this ahupua'a walked up and down the steep pahoehoe flow of this property centuries ago, there are no compelling features beyond the burial site, railroad berm, and petroglyph rock evident on this site, and they are all going to be preserved in any case. While Tom Stone opines that just because the features are not there now does not mean they weren't there before may be true, we are required to have some evidence of features in order to preserve them under State law. Other than the referenced burial site; RR ROW; and petroglyph, no archeologically important features nor culturally sensitive sites have been found in numerous searches and studies of the land. No history of such features/sites have been found in chants, nor found in the numerous collective memory of kupuna/kama'aina in the area our researchers have questioned and interviewed.

As to specific recommendations by you, Jackson Bauer, and the CRC, we would propose the following:

- 1) You requested we consider "honoring the alignment" of any trails found, whether they exist still or not. The only trail we could document appears to have been a cattle trail in the general vicinity of LCA 3660 that has left no physical evidence. Our development plan has a roadway running mauka-makai in the general vicinity of LCA 3660, and we can allow pedestrian access up and down this roadway, and perhaps a historical marker. Note that if you wish public access to the RR ROW, you will have to work with SHPD as they have required us to preserve the RR ROW in place, with no allowance for public access.
- 2) We can propose road names (in Hawaiian) related to cattle and ranching for approval by the County. These could include "Pipi Road"; "Kumu Pipi Way" and such similar names.
- 3) We could also work on preserving some of the two walls at Way 7 and the early 1900's Gouveia water system associated with same.
- 4) We are prepared to consult with Na Ala Hele Trail and Access Program and the Ala Kahakai National Historic Trail to discuss these proposals further.
- 5) In order to address the CRC recommendation to amend the current development plan to include open areas, we will work with our land planner and architects to increase the height of the lower buildings, and to further cluster all buildings into more dense clusters in order to increase open space.

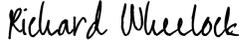
While your concern about preserving any important historical trails is understandable, especially as to any that may be owned by the government per the Highways Act, I believe we have exhausted all resources in our investigation of trails, and that there are no trails on our property subject to the Highways Act.

There was likely a cattle trail on what was then Gouveia Ranch from the railroad right-of-way down to Alii Drive in the first half of the 20th century, running mauka-makai across the property, but there is nothing left of said trail, nor physical evidence of same. We have addressed this above.

As to claims of “holua” on the property, such claims have been debunked by the world’s leading expert on holua (Keone Kalawe) after site inspection and investigation. There is no physical, cultural, or oral evidence of any holua ever existing on the property, now or in the past. As to cultural practitioner Tom Stones’ statement that lack of evidence today does not mean there was not holua there in the distant past, we have no way of proving or disproving such a statement. We are required to perform scientific studies by experts in their fields, and get said studies approved by the State Historic Preservation Division and in some cases the Hawaii island Burial Council. This has all been done on the subject property.

We would like to proceed building local housing so that future Kona Hawaiians will have a chance to walk in the footsteps of their ancestors, versus walking the Las Vegas strip. We hope you concur. Please advise your questions or comments to this Report.

Sincerely,

DocuSigned by:

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Richard Wheelock, Member of Kona Three LLC

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Enclosure Hard Copy and Digital

CC: David Smith, Na Ala Hele Statewide Program Manager

Aric Arakakai, Ala Kahakai National Historic Trail Superintendent

Anne Lopex, Esq., State Attorney General

Dr. Susan Lebo, SHPD Archeology Branch Chief

Sean Naleimaile, SHPD Hawaii Island Lead Archeologist

Governor Josh Green

Daniel Orodenker, Executive Office, State Land Use Commission

Jeff Darrow, Deputy Director, County of Hawaii Planning Department

Barbara DeFranco, Chairperson, County of Hawaii Planning Commission

Aaron Spielman, Chairperson, County of Hawaii Cultural Resources Commission

Hamana Ventura, Manager, County of Hawaii Public Access, Open Space, and Natural Resources
Preservation Commission

Elizabeth Strance, Esq., County of Hawaii Corporation Counsel

Mayor Mitch Roth, County of Hawaii

Michael Matsukawa, Esq.

BAUER LETTER REPORT LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
A)	Site Plan 450 units
B)	Bauer email 7-13-22
C)	Bauer email 7-14-22
D)	Bauer Letter to Planning Department 12-14-22
E)	Escott "Way" Map
F)	SCS AIS Table 8-List of Arch Sites
G)	Ke-Ala-Ko-Wa'a Trail Land Grants
G-1)	Ke-Ala-Ko-Wa'a Trail location
H)	Holualoa Hui Sheet 1
I)	LCA 3660 Record
J)	1924 USGS Map
K)	Escott Sheet 1 Markup
L)	Holualoa Inn Tourist Brochure
M)	Tom Stone Thesis Excerpt
N)	Kalawe written report
O)	Kalawe oral report
P)	Royal Vistas neighbors
Q)	PONC Suggestion 22-08