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PLANNING DEPARTMENT

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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

April 23, 1993

Mr. Brian Choy, Director
Office of Environmental Quality Control
220 South King Street
Central Pacific Bank Plaza, Fourth Floor
Honolulu, HI 96813

Dear Mr. Choy:

Final Environmental Assessment (Negative Declaration)
Applicants: Puakea Bay Ranch Owners Association,
and George and Shirley Isaacs
Request: Passive Park after-the-fact and proposed improvements,
and public shoreline access trail relocation
TMK: 5-6-02:41, 42, et al; Honoipu & Puakea, North Kohala

Enclosed please find four (4) copies of the Final Environmental Assessment for the after-the-fact and proposed improvements to the existing passive park and the proposed relocation of the public shoreline access trail on the subject parcels at Puakea Bay. The use/improvements are situated within the State Conservation District, the Shoreline Setback Area and future state lands, and therefore, triggering the requirements of Chapter 343, Hawaii Revised Statutes (HRS), relating to Environmental Impact Statements.

We have completed the 30-day public review period on the Draft Environmental Assessment. Therefore, we are submitting these attachments as a Final Environmental Assessment (Negative Declaration) with the inclusion of all pertinent information. This determination is based on the contention that concerns and issues will be addressed and mitigated through conditions of the SMA Permit process and/or Shoreline Setback review process.

One comment letter from the public was received in this office. The applicant responded to the appropriate comments pertaining to the EA. Both comment and response letters are included in the Final Environmental Assessment document.

1993-05-08-HI-PEA-Puakea Bay Ranch
Passive Park After The Fact and Proposed
Improvements

MAY - 8 1993

FINAL ENVIRONMENTAL ASSESSMENT
LANDSCAPED PARK
PUAKEA BAY RANCH, NORTH KOHALA, HAWAII

APRIL 19, 1993

PREPARED BY:
BELT COLLINS & ASSOC.

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EXHIBITS

- A Photos of Project Site
- B Shoreline Certification
- C Puakea, North Kohala, Hawaii Islands: Archaeological Inventory Survey of Four Sites in the Conservation District
- D Recommendation Letters by Chiniago Inc.
- E Contractor's Proposal to Construct Lateral Shoreline Access Trail at Puakea Bay Ranch, TMK 5-6-02:41 & 42

ENVIRONMENTAL ASSESSMENT
LANDSCAPED PARK
PUAKEA BAY RANCH, NORTH KOHALA, HAWAII

I. APPLICANT

The applicant is the Puakea Bay Ranch Owners Association, a non-profit corporation, which is responsible for maintaining the subject property under Section 5.04(c)(2) of the Puakea Bay Ranch Declaration of Covenants, Conditions and Restrictions (the "Applicant"). The Applicant is authorized to file the subject application in accordance with the resolution of the Board of Directors of the Association dated November 11, 1991 and reaffirmed by the Board at its meeting on July 20, 1992.

II. APPROVING AGENCY

The project action (see Figures 1 and 2 for project location) will require a Conservation District Use Application (CDUA) and a Special Management Area (SMA) Use Permit Application. The Board of Land and Natural Resources, State of Hawaii is the approving agency for the CDUA, and the Hawaii County Planning Director (SMA minor permit) and Planning Commission (SMA permit) are the appropriate approving bodies for the SMA Use Permit Application.

III. AGENCIES CONSULTED IN PREPARING ASSESSMENT

The following agencies have reviewed and commented on the project or have been consulted in the preparation of this environmental assessment:

State Agencies

- Board of Land and Natural Resources
- State Historic Preservation Division, Department of Land and Natural Resources
- Office of Conservation and Environmental Affairs, Department of Land and Natural Resources

County Agencies

- Planning Department
- Department of Public Works
- Department of Water Supply

IV. DESCRIPTION OF ACTION'S TECHNICAL, ECONOMIC, SOCIAL, AND ENVIRONMENTAL CHARACTERISTICS

A. Project Description

A Conservation District Use Application (CDUA) and an environmental assessment were previously prepared and submitted to the Department of Land and Natural Resources (DLNR) on March 22, 1984 for a proposed passive park and other improvements on a portion of the subject property (see Figure 3). The proposed park *only* was withdrawn from the CDUA before the Board of Land and Natural Resources (the "Board") took any action on the request. On August 24, 1984, the Board approved the remaining improvements in the CDUA No.: HA-3/21/84-1680 (the "original CDUA") including the existing lateral shoreline access trail (the "mauka trail"), a driveway/utility easement to service the adjacent Lot C-1 (TMK 5-6-02:41), fencing along the boundary of the subject property adjoining the Coast Guard Loran Station, and the relocation of a steam engine found at Honoipu Landing.

The Applicant became aware that the park had been withdrawn from the previous CDUA toward the end of 1991. At that point, the Applicant immediately cooperated with the DLNR and filed a new CDUA (HA-11/18/91-2537) covering the park and certain other items which the Applicant wanted to add to the subject property. At the time the new CDUA was filed, the Applicant was under the impression that the County of Hawaii would only require a minor SMA Use Permit for the subject property. However, subsequent to filing, the County changed its position and notified the Applicant that a standard SMA Use Permit would need to be granted and a certified shoreline would need to be obtained. These approvals could not be obtained within the 180-day deadline from the time the CDUA No. 2537 was filed and, therefore, the Applicant was forced to withdraw the CDUA No. 2537.

Since that time, the Applicant has entered into a Settlement Agreement with George and Shirley Isaacs (the owners of Lot C-1 immediately to the south of the subject property) and the Citizens for the Protection of the North Kohala Coastline and their representatives which was reviewed by the Board on October 5, 1992 (the "Agreement"). Under the terms of the Agreement, the Applicant is requesting the issuance of a CDU permit for the park and related improvements on the subject property which consist of: a whale statue, McArthur palms, hedge, shrubs (bougainvillea), two concrete tables with benches, two hitching posts, a flagpole, an interpretive sign, property signs, a concrete walkway, walkway lights, gas torches, wooden fence, improvements at Honoipu Landing, paved driveway, relocated boiler and tractor, barbed wire fence, rock wall edging and an irrigation waterline.

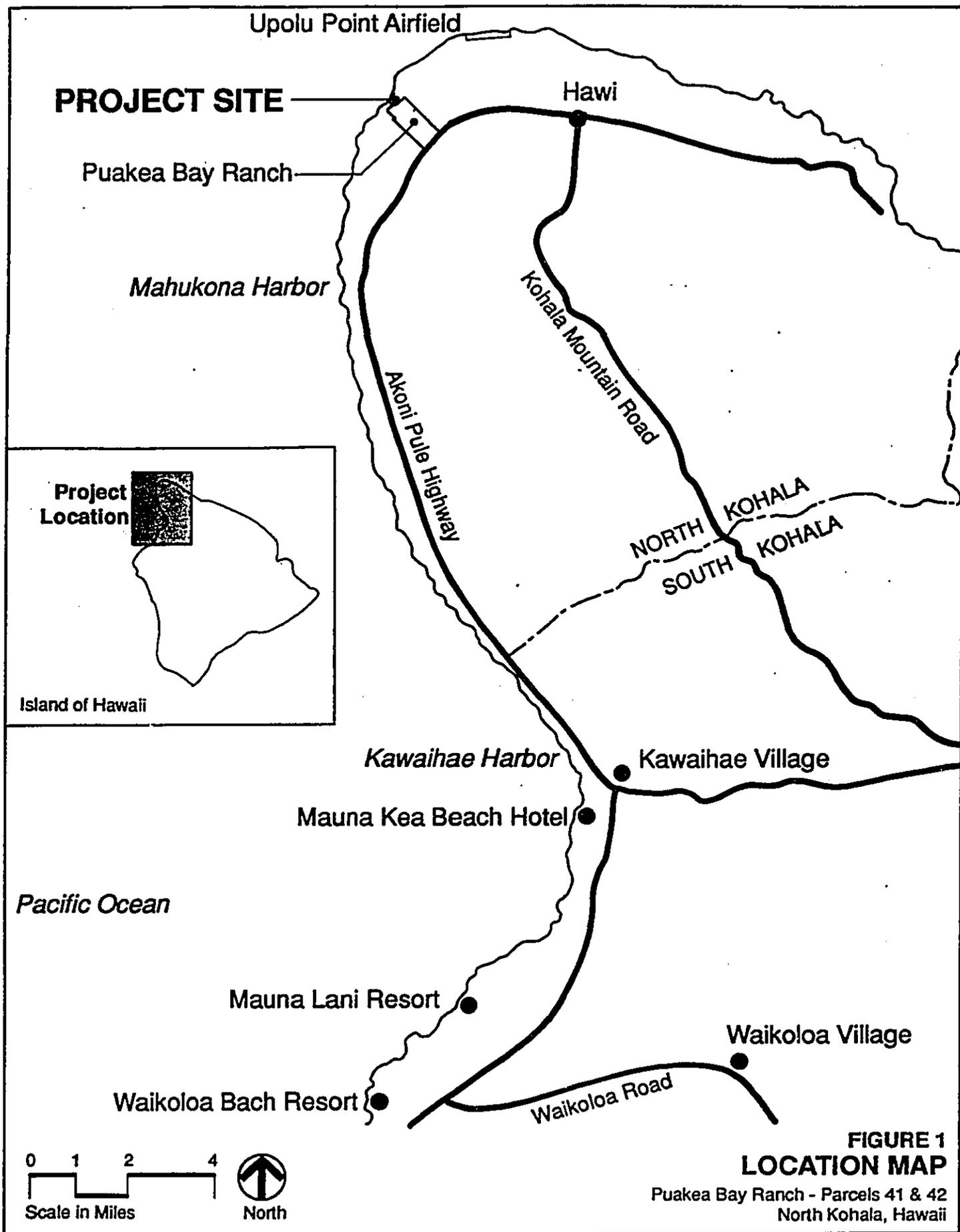
B. Additional Improvements

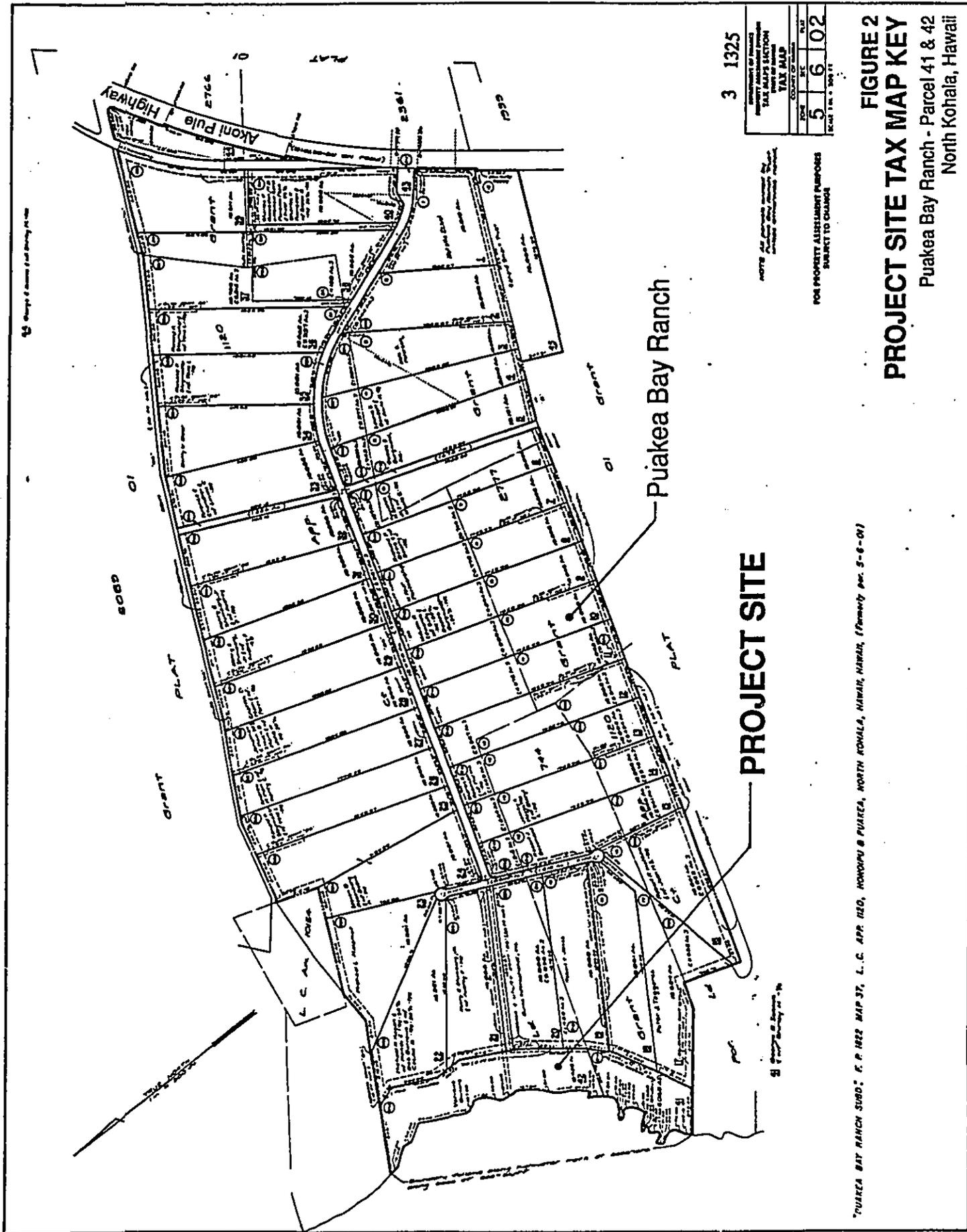
Pursuant to the Agreement, the Applicant proposes to install a lock and key chain gate at the park entrance for safety and liability reasons, provide landscape screening with vehicular wheel stops along the top edge of the cliff near the existing park, replace all barbed wire fences with hog wire or other material and construct other additional landscape, fencing and safety improvements consistent with the terms of the Agreement (see Figure 4).

A new lateral shoreline access trail is proposed for construction as shown in Figure 4 (the "new trail"). Pursuant to the Agreement, the State should construct the new trail as close to the top edge of the cliff at the subject property as is safe and feasible and the new trail would eventually be improved to a graded width of approximately three (3) feet with a natural surface to Na Ala Hele "rural hiking" standards. On most of the length of the new trail, it would be within ten (10) feet of the top edge of the cliff, but where there are rock projections out from the cliff, or other terrain problems, the new trail may be located somewhat farther from the actual edge of the cliff. Under the Agreement, George and Shirley Isaacs agreed to post a bond, letter of credit or other surety that the State can draw down upon for the cost of constructing the new trail as aforesaid. Two bids setting forth the cost of construction are attached hereto as Exhibit E.

Under the Agreement, assuming approval of the proposed subdivision for the new trail alignment and acceptance of title thereto by the State, the Applicant agrees to convey the new trail and the land seaward of the new trail to the State of Hawaii which would assume the liability and maintenance responsibilities for the new trail after the transfer. If the cliff collapses and the location of the new trail becomes unfeasible, the State may, at its sole cost and expense, relocate the new trail up to ten (10) feet inland of the 1992 new trail location or other safe location. After title to the new trail has been conveyed to the State, the mauka trail at the subject property (see Figure 3) would be removed and the use of this area free and clear of all claims by the State of Hawaii shall be returned to the Applicant pursuant to the terms of the Agreement.

Figure 4, Existing, Approved and Proposed New Improvements indicates the existing improvements that either have or do not have approval and the proposed improvements. This environmental assessment is a supplemental document to the CDUA and SMA Use Permit Application which are requesting approval for all existing and proposed new improvements identified on Figure 4.





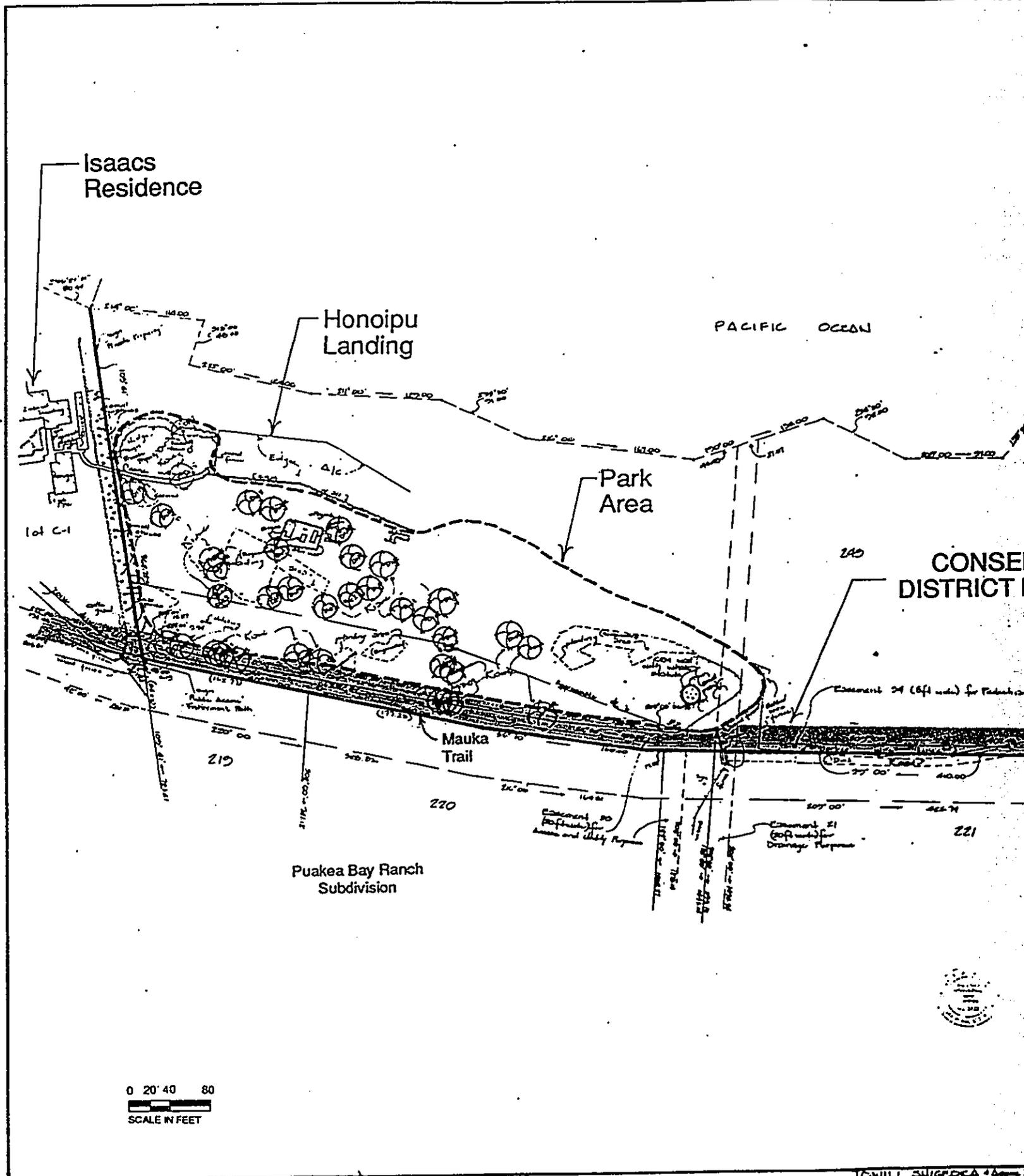
3 1325

COUNTY OF HAWAII	
DEPARTMENT OF LAND AND NATURAL RESOURCES	
LAND AND NATURAL RESOURCES TAX MAP	
NO. 5	6102
SCALE 1" = 100 FT.	

NOTES: ALL AREAS SHOWN ARE SUBJECT TO CHANGES. FOR PROPERTY ALIGNMENT PURPOSES SUBJECT TO CHANGE.

FIGURE 2
PROJECT SITE TAX MAP KEY
 Puakea Bay Ranch - Parcel 41 & 42
 North Kohala, Hawaii

Puakea Bay Ranch Subd. F.P. 1122 Map 37, L.C. App. 120, Honouliuli & Puakea, North Kohala, Hawaii, Hawaii, (Formerly Ac. 5-6-01)



Honolulu, Hawaii
 Job No. 1504 78 230, 247

WILL SHIGEDA & ASSOCIATES
 Land Surveyors

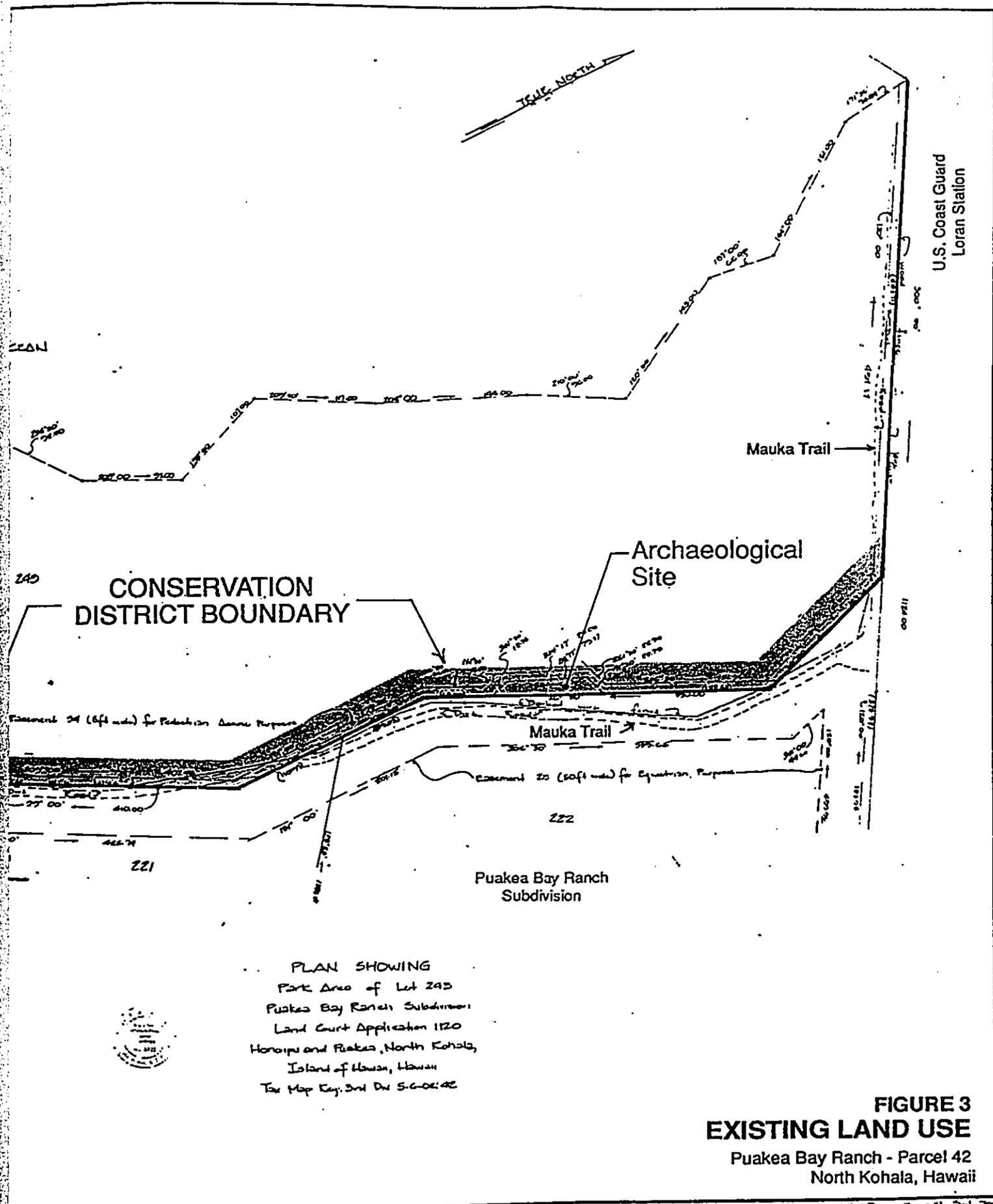
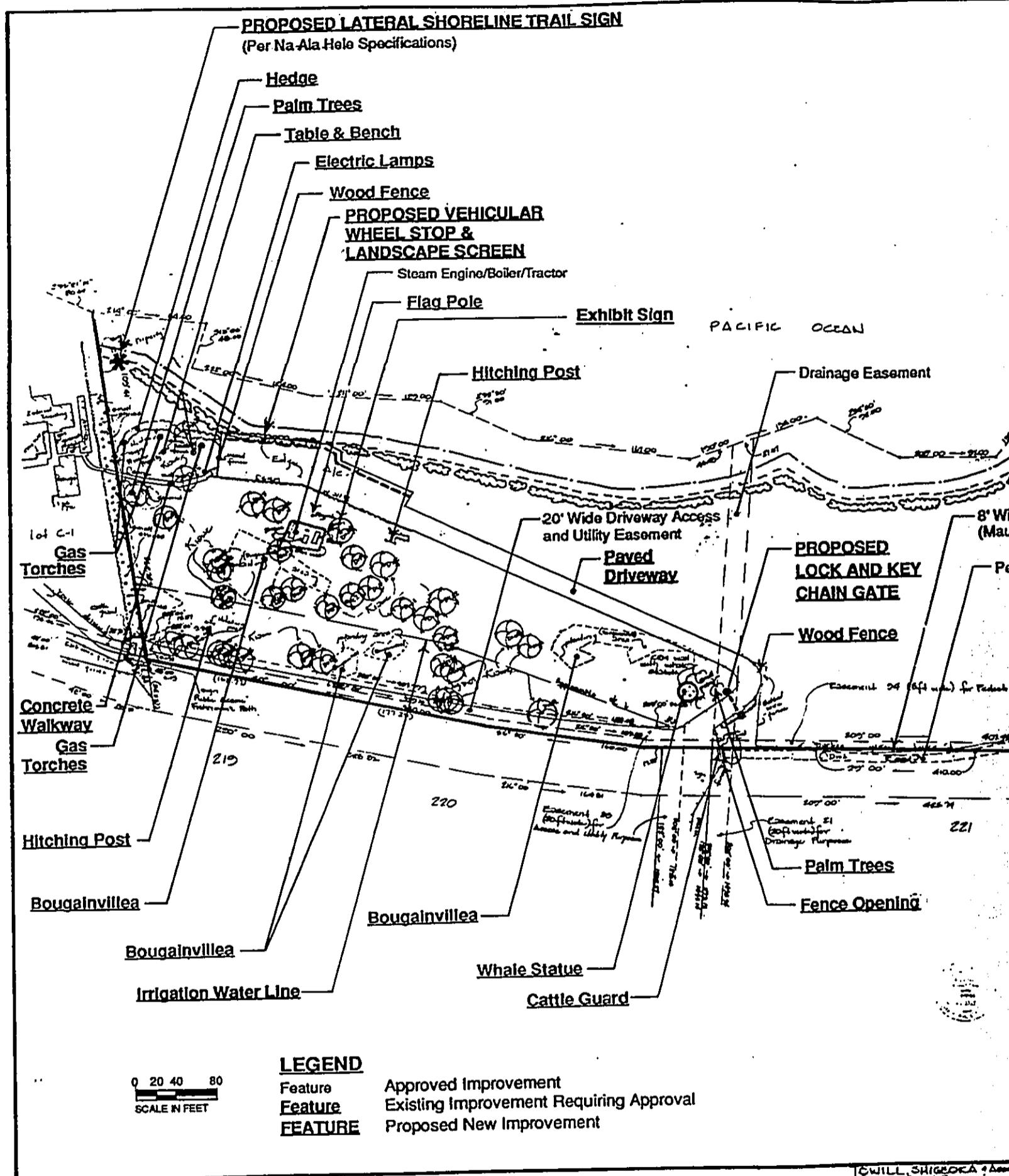


FIGURE 3
EXISTING LAND USE
 Puakea Bay Ranch - Parcel 42
 North Kohala, Hawaii

WILL SHIGEDA & Associates Inc.
 Land Surveyors

1120 Queen Emma St. Suite 700
 October 18, 1991



PROPOSED LATERAL SHORELINE TRAIL SIGN
(Per Na Ala Hele Specifications)

- Hedge
- Palm Trees
- Table & Bench
- Electric Lamps
- Wood Fence

PROPOSED VEHICULAR WHEEL STOP & LANDSCAPE SCREEN

- Steam Engine/Boiler/Tractor
- Flag Pole
- Exhibit Sign

PACIFIC OCEAN

Hitching Post

Drainage Easement

lot C-1
Gas Torches

20' Wide Driveway Access and Utility Easement
Paved Driveway

PROPOSED LOCK AND KEY CHAIN GATE

Concrete Walkway
Gas Torches

Wood Fence

Hitching Post

Palm Trees

Bougainvillea

Fence Opening

Bougainvillea

Bougainvillea

Whale Statue

Irrigation Water Line

Cattle Guard

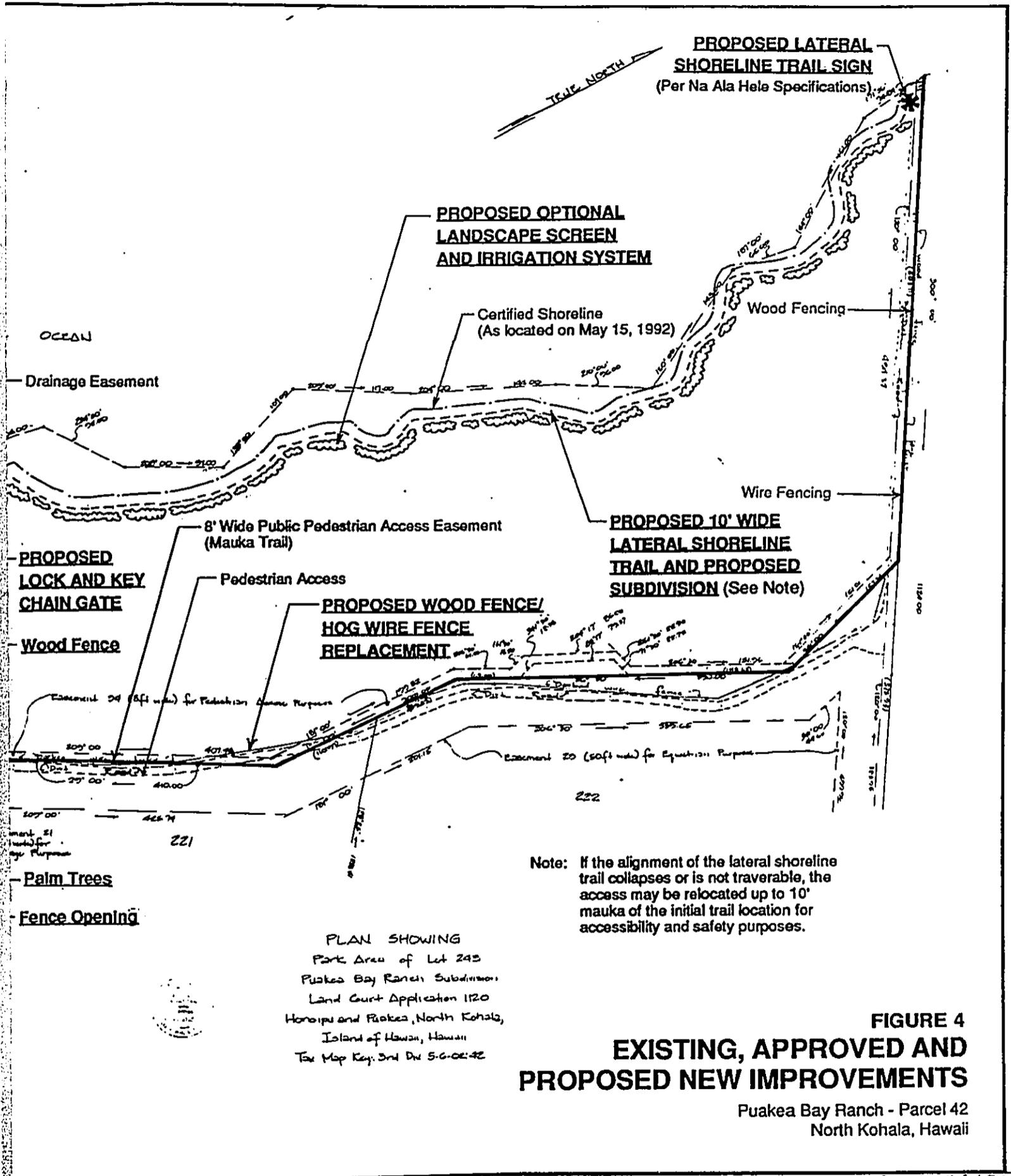


LEGEND

- Feature Approved Improvement
- Feature Existing Improvement Requiring Approval
- FEATURE Proposed New Improvement

Honolulu, Hawaii
Job No. 1564 74 220, 247

WILL SHIGOKA & Associates
Land Surveyors



PLAN SHOWING
 Park Area of Lot 243
 Puakea Bay Ranch Subdivision
 Land Court Application 1120
 Honouliuli and Puakea, North Kohala,
 Island of Hawaii, Hawaii
 Tax Map Key, 3rd Div 5-G-02-42

FIGURE 4
EXISTING, APPROVED AND
PROPOSED NEW IMPROVEMENTS
 Puakea Bay Ranch - Parcel 42
 North Kohala, Hawaii

C. Public Land Use Policies

1. State Policies:

a. Conservation District

According to the State Land Use District Boundary Map No. H-3, the project site is located within the Conservation District. Land use control within the Conservation District is under the jurisdiction of the Board of Land and Natural Resources, State of Hawaii. The mauka boundary of the Conservation District at the project site has not been certified by the Board of Land and Natural Resources.

The park and proposed additional improvements are clearly within the Conservation District, as described in Section IV, and require a CDUA.

The approximate location of the mauka trail was approved under the original CDUA, although as constructed, it is situated outside of the Conservation District in certain locations. The 20-foot wide private driveway and utility easement, fencing along the northern property boundary, and relocation of the steam engine was also approved by the original CDUA.

2. County Policies:

a. General Plan

The Land Use Pattern Allocation Guide Map (LUPAG) designates the subject property as "Open Area". The boundaries of this area generally follow the State's Conservation District.

b. County Zoning

The subject property is zoned A-20a which allows agricultural use on minimum twenty-acre lots. The park and additional new improvements are permitted uses under this zoning designation.

c. Special Management Area

The subject property is within the County's Special Management Area (SMA) and is therefore subject to the SMA Rules and Regulations of the County of Hawaii. An SMA Use

Permit for the park, including the existing and proposed improvements, is required. SMA Use Permit No. 202 was issued on December 29, 1983 for the mauka trail. The actual mauka trail alignment in the field was approved by the County Planning Director on March 18, 1986. It will be eliminated upon the construction and conveyance to the State of the new trail described above.

3. Summary of Required Land Use Permits and Approvals:

The landscaped park, additional improvements and access trail relocation as described above will require the following permits and approvals:

- Conservation District Use Permit
- Special Management Area Use Permit

V. DESCRIPTION OF AFFECTED ENVIRONMENT

A. Existing Land Use

The existing improvements at the subject property which were approved by the Board in the original CDUA include: mauka trail, a 20-foot wide driveway and utility easement, a wood fence on the northern property line and a relocated steam engine. The existing landscape improvements at the park include a whale statue, bougainvillea planting areas, McArthur palm trees, hedge, two concrete tables with benches, two hitching posts, a concrete walkway, walkway lights, gas torches, paved driveway, a flagpole which displays the American flag and the Puakea Bay Ranch Emblem, wooden fences, interpretive sign, improvements at Honoipu Landing, relocated boiler and tractor, barbed wire fence, property signs, rock wall edging and an underground waterline and sprinklers for irrigation (See Figure 4).

Mauka of the subject property is a residential subdivision known as Puakea Bay Ranch. North of the project site are pasture land and a U.S. Coast Guard Loran Station, and to the south is a private residence on a 6.1-acre lot. The residence which is adjacent to the Puakea Bay Ranch subdivision obtains its access through an 8-foot wide driveway and utility easement which traverses the project site. At the northwestern corner of the property along the shoreline is an old abandoned wharf (see Figure 3).

Access to the subject property is via a private road beginning at Akoni Pule Highway and running through the Puakea Bay Ranch. The private road has a 60-foot wide right-of-way and is built to agricultural road standards. Access to the park from the 60-foot-wide right-of-way is by a 20-foot wide driveway and utility easement approved by the Board in the original CDUA. Along the northern and mauka boundaries of the subject property is the

mauka trail which is intended to provide safe lateral shoreline access around the high cliff section of the park and the adjacent lot owned by George and Shirley Isaacs (the "mauka trail").

B. Topography

The project site, which is located along the shoreline, has an average slope of approximately 12 percent. The shoreline is rocky and has cliffs which rise up to 90 feet above the water. Elevations range from sea level to approximately 120 to 140 feet at the property's eastern or mauka boundary.

C. Climate

The climate is classified as arid with annual rainfall of approximately 10 inches. Average monthly temperatures range from approximately 71°F in January to 76°F in August. Pan evaporation is approximately 95 inches a year. The general location of the property is subject to strong seaward winds from the northeast.

D. Nearshore and Marine Environment

The project site is located along the shoreline of the North Kohala District. Waters off this shoreline are classified by the State Department of Health as Class A waters. The objective of Class A waters is *"that their use for recreational purposes and aesthetic enjoyment be protected. Any other use shall be permitted as long as it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class."*

The landscaped improvements are not sources of pollution that would contaminate the groundwater or marine waters of the project area. There are no chemical applications being used on the property and no sewage disposal facilities are planned. All structural improvements are high above the shoreline, mauka of the shoreline cliff and more than 40 feet from the water's edge.

E. Soils

The soil on the subject property, according to the U.S. Soil Conservation Service, is dominated by the Mahukona soil series including the Mahukona very stony silty clay loam (MKC). This soil type consists of dark reddish-brown very stony silty clay loam. Its permeability is moderate, runoff is medium, and erosion hazard is moderate. Its Capability subclass designation is VIs, non-irrigated.

The Agricultural Lands of Importance to the State of Hawaii (ALISH) map classifies a small portion in the northern section of the property as "Other Important Agricultural Land". The remainder of the subject property is not classified by ALISH.

The Land Study Bureau classifies the subject property as "E", the lowest classification in its rating system. No prime agricultural land is identified for the subject property.

The park and proposed improvements have not and will not displace any existing agricultural use.

F. Hydrology and Drainage

There are no streams, ponds, springs and other natural water featured on the subject property. Also, there are no wells, tunnels, ditches and other man-made water sources.

The subject property has a gradual slope of approximately 12 percent toward the shoreline, and existing site drainage is by sheetflow. There are no distinct or major drainageways over the subject property.

An existing drainage easement crosses the subject property at its central portion. Created as part of the Puakea Bay Ranch, the natural drainageway does not appear to be in use.

The existing landscaped improvements at the subject property have beneficial effects in controlling surface runoff. Its groundcover is healthier and denser and, therefore, provides better erosion and sedimentation control than the existing groundcover, which is sparse, dry and poorly maintained. Runoff over this area tends to drain more readily into the ground rather than flow over the site and into the shoreline area.

G. Flora

Vegetation on the property include kiawe, koa-haole, pilgrass, sandbur, natal redtop, bermuda grass, ilima, Japanese tea and fingergrass. None of these species are considered rare or endangered. The park contains various irrigated landscaping vegetation shown on Figure 4, which helps to reduce the fire hazard to the nearby residential structures.

H. Fauna

The primary fauna activity in the area is the sealife along the shoreline and in the offshore waters. Shorefishing is a frequent activity of some local residents.

The coastal location of the subject property is a natural habitat for marine birds. Such species as the Pacific Golden Plover, Wandering Tattler, and Ruddy Turnstone may be expected to occur in the area. The park is a habitat that is frequented by Zebra Dove, Common Myna, Japanese White-Eye and Spotted Dove. It is expected that feral dog and cat as well as, mongoose wander into the area. None of the bird or animal species are considered endangered or threatened. The park, in fact, may have actually increased the population of the lowland birds (as identified above) in the area.

I. Historical, Cultural and Archaeological Resources

A number of archaeological surveys were conducted at the Puakea Bay Ranch and on the subject property in the past. The most recent was done by Chiniago Inc. in 1992 as part of an inventory level survey for the subject property (see Exhibit C). The results of the survey showed that Site 50-10-01-17988 was the only archaeological feature on the subject property. The site consists of a complex of stone habitation and storage features on a terrace measuring approximately 18 x 30 meters. A small internal terrace is located on the feature and midden is somewhat scarce consisting of limpet shells, worn rock materials and fragments of historic nineteenth century bottle glass. Chiniago Inc. interprets the site to be most likely a Men's House or the residence of a high-ranking individual, and that it dates from the prehistoric period. It is significant for its information content and may be significant for its value to a cultural or ethnic group.

When the mauka trail was constructed, this archaeological feature was physically marked in the field by an archaeologist immediately prior to conducting a metes and bounds survey of it and the present jog in the existing trail is intended to avoid the habitation feature. Chiniago Inc. and DLNR's Historic Preservation Division recommend that this site be preserved in its present condition. The Applicant will work with the State and Chiniago Inc. to accomplish this.

Subsequently, Chiniago Inc. prepared several follow-up letters containing recommendations with respect to archaeological resources at the subject property and the adjacent lot owned by George and Shirley Isaacs (see Exhibit D). The only other site identified at the subject property in these letters was Site 7012, Honoipu Landing. These letters pointed out that as of 1973, this site was in an altered and deteriorated condition and was in the process of being destroyed by natural processes, and since the site was presently ensconced beneath a layer of asphalt, no further action was necessary.

Finally, Chiniago Inc. walked the proposed right-of-way for the new trail to be constructed and conveyed to the State pursuant to the terms of the Agreement. It concluded that the only archaeological or historic remains encountered consisted of fragments of metal, brick and stone that were

definitely historic in age and undoubtedly date from the time when the Honoipu Landing facilities were in use. As such, the construction of the new trail as proposed, did not represent an adverse impact upon any significant archaeological or historic sites (see Exhibit C).

J. Visual Character

The overall character of the subject property is open and unobstructed (see Exhibit A). The pedestrian and driveway accesses and landscaped improvements do not detract from the visual quality of the area. The existing and new trails will not have any adverse impact upon the visual quality of the area. The park and proposed improvements provide a lush appearance than the surrounding area especially during the dry seasons. And finally, no building structures are located on the property and none are planned that would change the physical profile of the area.

K. Air Quality

Air quality in the area is very good. The park and existing improvements have not resulted in a degradation of the air quality nor are future uses of the subject property area expected to result in significant adverse impacts. Construction of the proposed new improvements is not expected to generate any significant air pollution.

L. Noise Impact

There are no major or intensive activities occurring on the subject property. Residents and guests of the Puakea Bay Ranch use the park and the subject property for passive recreational or leisure activities. Use of the public pedestrian access and fishing along the shoreline occur in other areas of the subject property and do not generate significant noise. Existing noise levels do not and are not expected to violate existing State noise regulations.

Construction of the proposed new improvements is not expected to generate any significant noise.

M. Natural Hazards

The high seacliff along the shoreline presents a potential hazard for unknowing and/or careless individuals wandering too close to the edge. This serious condition is the very reason the existing pedestrian shoreline access was located along a mauka route away from the shoreline with the approval of both the Board and the County of Hawaii.

Under the Agreement, the new trail is proposed for construction as shown in Figure 4. The State would construct the new trail as close to the top edge of the cliff at the subject property as is safe and feasible and the new

trail would eventually be improved to a graded width of approximately three (3) feet with a natural surface to Na Ala Hele "rural hiking" standards. On most of the length of the new trail, it would be within ten (10) feet of the top edge of the cliff, but where there are rock projections out from the cliff, or other terrain problems, the new trail may be located somewhat farther from the actual edge of the cliff.

Under the Agreement, assuming approval of the proposed subdivision for the new trail alignment, the Applicant agrees to convey the new trail and the land seaward of the new trail to the State of Hawaii which would assume the liability and maintenance responsibilities for the new trail after the transfer. If the cliff collapses and the location of the proposed new trail location becomes unfeasible, the State may, at its sole cost and expense, relocate the new trail up to ten (10) feet inland of the 1992 new trail location or other safe location. After title to the new trail has been conveyed to the State, the mauka trail at the subject property (see Figure 4) would be removed and the use of this area returned to the Applicant pursuant to the terms of the Agreement.

The park is located above the 90-foot elevation, and is not subject to tsunami inundation. Also, potential riverine floods are not identified in this area by the Flood Insurance Rate Maps prepared by the U.S. Army Corps of Engineers.

N. Public Services and Facilities

Water is provided on the subject property for irrigation of the park. This water, which is part of the allocation for the Puakea Bay Ranch, is supplied by the County Department of Water Supply. Sewage is not generated on the subject property and therefore sewage disposal facilities will not be required. Cut foliage and grass clippings are hauled away by groundskeeping crew hired by the Applicant. Electricity for the walkway lighting is provided from a connection in the Puakea Bay Ranch and its source is the Hawaii Electric Light Company. There are no telephones on the subject property.

O. Circulation

Access to the Puakea Bay Ranch is from the Akoni Pule Highway, a State right-of-way serving North Kohala. Access to the lots within the Puakea Bay Ranch is provided by a 60-foot wide private road that extends from the highway to the subject property. Access to the park is at the makai terminus of this road.

Traffic to and within the subject property is extremely low and does not present traffic congestion problems. The park is used by residents of the Puakea Bay Ranch, and on occasion, by senior citizens and school groups,

with permission from the Owners. The latter groups visit the park to view the whale sculpture and Honoipu Landing. Public roadways are not significantly affected by traffic generated by the subject property.

The mauka trail was created as a condition of the Special Management Area Use Permit No. 202 approval for the Puakea Bay Ranch. The general area of the mauka trail was authorized, without specific metes and bounds description, under the original CDUA. It replaced a five-foot wide pedestrian right-of-way along the seaward boundary of the subject property which was established by Stipulation Between State of Hawaii and Richard Smart, filed May 21, 1981 in Richard Smart v. State of Hawaii, et al., Civil No. 6870, Third Circuit Court. The stipulation regarding the five-foot wide access provides in pertinent part as follows:

"Plaintiff hereby grants to the State of Hawaii a five-foot wide pedestrian right-of-way situated along the seaward (westerly) boundary of Grant 744. Access to this right-of-way shall be a five-foot pedestrian right-of-way along the seaward (westerly) boundary of Lot 19-B as shown on Map 34 with Land Court Application 1120 to the intersection of the seaward boundaries of Lots 19-B and 19-A, as shown on said map; provided, however, that the Plaintiff or his successors in interest or assigns may at any time relocate pedestrian access to the seaward boundary of Grant 744 or Lot 19-B, subject only to the consent of the State, which consent will not be unreasonably withheld. It is the purpose of this agreement to provide pedestrian access to the seaward boundary of Grant 744 from the existing Coast Guard Loran Station." [emphasis added.]

The mauka trail is not located entirely within the boundaries of the easement designated on the maps filed with DLNR and the County of Hawaii, and is partially outside of the Conservation District boundaries. It, along with related signage, was field checked by the County Planning Department on November 27, 1985, and approved by the County Planning Director on March 18, 1986.

Under the Agreement, a lateral shoreline access trail is proposed for construction as shown in Figure 4 (the "new trail"). Pursuant to the Agreement, the State would construct the new trail as close to the top edge of the cliff at the subject property as is safe and feasible and the new trail would eventually be improved to a graded width of approximately three (3) feet with a natural surface to Na Ala Hele "rural hiking" standards. On most of the length of the new trail, it would be within ten (10) feet of the top edge of the cliff, but where there are rock projections out from the cliff, or other terrain problems, the new trail may be located somewhat farther from the actual edge of the cliff. Under the Agreement, George and Shirley Isaacs agreed to post a bond, letter of credit or other surety that the State can draw

down upon for the cost of constructing the new trail as aforesaid, and two bids setting forth the cost of construction are attached hereto as Exhibit E.

Under the Agreement, assuming approval of the proposed subdivision for the new trail alignment, the Applicant agrees to convey the new trail and the land seaward of the new trail to the State of Hawaii. The State would assume the liability and maintenance responsibilities for the new trail after the transfer. If the cliff collapses and the location of the proposed new trail becomes unfeasible, the State may, at its sole cost and expense, relocate the new trail up to ten (10) feet inland of the 1992 new trail location or other safe location. After title to the new trail has been conveyed to the State, the mauka trail would be removed and the use of this area free and clear of all claims by the State of Hawaii shall be returned to the Applicant pursuant to the terms of the Agreement.

P. Socioeconomic Considerations

No existing residential or agricultural use was displaced by the park or the improvements approved in the original CDUA. The proposed new chain gate, landscape buffer, and landscape screen with vehicular wheel stops will be installed within existing improved areas.

Maintenance of the park is provided by the subdivision's groundskeeping crew. The minor scale of these improvements provides only a small beneficial effect to the local economy in terms of employment and personal income. The groundskeeping staff engage in maintenance work on the park once a week. Income is generated for the County by the increase in land value resulting from the park and related improvements.

As stated above, senior citizens and school groups visit the park to view the whale sculpture and Honoipu Landing. Public lateral shoreline access is presently provided by way of the mauka trail and will be provided by the new trail.

VI. SUMMARY OF MAJOR IMPACTS

The park and related improvements have not resulted in any significant adverse impacts, nor will the proposed improvements, including the new trail, result in any significant negative effects.

The existing and proposed improvements have not and will not change the visual character of the area. They have not and will not result in a significantly more intensive use of the subject property, and they have not and will not result in any damaging environmental impacts to the subject property.

The park and related improvements have provided beneficial effects, such as access to and passive recreational use of the shoreline area for residents of the

Puakea Bay Ranch, as well as, provide lateral shoreline access to historic landmark and artifacts for the public. The latter features provide an educational experience for senior citizens and school groups which have visited the subject property in the past.

VII. ALTERNATIVE

An alternative to providing the park and related improvements would have been to do nothing. The Applicant's only obligation would have been to perform the conditions which were attached to the original CDUA and SMA Use Permit No. 202. This would have left the subject property with only the mauka trail, private driveway and utility easement, drainage easement, fencing along the northern boundary and relocation of the steam engine, boiler and tractor. The subject property, thus, would not have been physically enhanced nor made visually appealing.

VIII. MITIGATION MEASURES

The park and related improvements, along with the improvements proposed by the Applicant, do not require mitigating measures. As discussed above, no major negative impacts were identified and the primary effects are positive and beneficial for the environment and residents.

IX. DETERMINATION

This environmental assessment describes how this use will have no significant impacts on the environment and that an Environmental Impact Statement would not be warranted. Therefore, in accordance with the provisions of Chapter 343, Hawaii Revised Statutes, a Negative Declaration is deemed to be in order.

X. FINDINGS AND REASONS SUPPORTING DETERMINATION

The following findings and reasons support the assessment that there will be no significant effect on the environment as a result of the park and the proposed improvements:

1. There has not been nor will there be any significant direct adverse social or economic impact resulting from the park and the proposed improvements.
2. There has not been nor will there be any significant long-term adverse impact on water quality in the offshore waters of the subject property.
3. No rare or endangered wildlife or flora species will be affected by the park or the proposed improvements.
4. Archaeological and historic sites have been identified in the field and are being kept intact or protected.

5. The park and proposed improvements are in character with the visual environment of the area.
6. The park and proposed improvements do not require extensive public services and are not a burden on public facilities.
7. The primary benefit of the park and proposed improvements is the provision of access to open space and ocean resources along the existing and future shoreline access trails and the enhancement of visual, recreation and historic features of the area.

XI. COMMENTS AND RESPONSES

A draft environmental assessment for this project was submitted to the Hawaii County Planning Department and published in the OEQC Bulletin for comments. The following letter from the Citizens for Protection of the North Kohala Coastline (CPNKC) was submitted to the Planning Department during the 30-day review period. A response to that letter is attached after the CPNKC letter.

CITIZENS FOR PROTECTION OF THE NORTH KOHALA COASTLINE

P. O. Box 78, Hawi Hawaii 96718 (808) 884-5535

March 12, 1983

Ms Virginia Goldstein
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Re: Special Management Area Permit and
Environmental Assessment for After-the-Fact
park at Puakea Bay, North Kohala
TMK 5-6-02: 41, 42 et al

Dear Ms Goldstein,

Persuant to our discussion of January 29 I am outlining the points I brought up at our meeting regarding the SMA Minor Permit designation for the above project. Also I would like to comment on the Environmental Assessment, which I did not see until mid February. Also a word on the present condition of the nauka access trail.

1. We contend that the park development at Puakea Bay Ranch exceeds the requirements for designation of Minor Permit status. I enclose a copy of a letter we sent the former planning director in January, 1982 presenting our argument for major status for the same project. Even though the dollar value of the designation for minor permit rose, it is still less than what we believe the park cost to develop. The whale sculpture alone is likely worth over \$100,000.

We also believe that the park construction has had significant environmental impact. The disruption of public access caused by the government's failure to hold any public hearings on the moving of traditional and court ordered access has created social dissention in the Kohala community. It brought over a hundred people out to a public information meeting held by the Board of Land and Natural Resources in April 1982. It is still the cause of on-going tension between long time users of the trail and the owners. I will address some of those problems later. As I told you our group has agreed in exchange for a new shoreline path not to oppose the application for the after-the-fact park, however this should not deny other members of the public their right to a public forum on the moving of the trail. I remind you that it was the repeated administrative denial of a public hearing that got us into this hassle. By your action of declaring a minor permit you are perpetuating that denial. A public hearing on it has yet to be held.

Page 2

The State Historic Sites Preservation Division has still not issued its report on the paving over of Honoipo Landing. If it is found that the owners paved over a State Registered Historic Site surely that act deserves discussion in a public forum. Kanalei Shun is the contact person at HSPD.

2. I asked you why the county has not pursued enforcement proceedings against the Isaacs and Puakea Bay Ranch Owners Association for violations of the original SMA. I did not get an answer. In a letter dated June 1981 your department identified numerous violations including the building of a sand beach in front of the Isaacs house. These violations and more were identified by the Office of Conservation and Environmental Affairs. It is hard for us to believe that despite the clear listing of fines for violations of the SMA the county has chosen to look the other way in this matter. Are you setting precedence here?

3. The SMA application contains a copy of an agreement reported to be the one made between the owners and our group. This is not correct. Please refer to the attached letter to the BLNR regarding this agreement.

4. The application contains a trail map submitted by Belt Collins. This is not the correct location of the shoreline trail. The official designation of the shore trail has not taken place yet. However, representatives of our group and Kohala Trails and Greenways did inspect the shoreline with Norman Piianaia of the Na Ala Hele Advisory Council on March 9. Participants agreed that it would be quite costly and possibly threatening to the cliff's sometimes crumbly edge for the trail to be so close to the certified shoreline in many places. Na Ala Hele is expected to report to BLNR member Christopher Yuen on the trail.

I reminded you that the location of the "shoreline" trail was not identified before issuance of the original SMA, and somewhere between the SMA and the CDUA the trail was moved to the back of the property. Therefore we request that the location of the new shoreline trail be identified before issuance of the SMA.

5. The additional improvements requested in the new application are different from those of the 1982 application. Specifically the old application calls for a 200-foot cable fence along the cliff top makai of Honoipo Landing. The new application calls for installing wheel stops along the cliff top and constructing "other additional landscape, fencing and safety improvements consistent with the terms of the agreement." In our negotiations with attorneys for the applicants we made it clear that nothing would be added along the trail that would obstruct trail users view mauka or makai and that "landscaping" along the trail be limited to vegetation. This was the agreement we made with applicants attorneys. If the applicants are going

page 3

to "hedge" on their agreement. We insist that a condition be added to the permit allowing only non view-blocking vegetation be used at anywhere along the trail.

6. We want to report to you that the existing mauka trail is not being signed or maintained in a way that is consistent with the county's shoreline access plan for Puakea or the BLNR's conditions established for the Isaacs property on July 24, 1982. We have heard a number of complaints from Kohala residents. Specifically the problems are:

a. When approaching from the south there is no sign facing a hiker indicating public access (photo #1).

b. The trail on the southern border of the Isaacs property is covered with almost impassable waist-high grass.

c. At the top of the southern boundary there is no sign to indicate a turn northward (photo #2). Likewise there is no sign to turn southward at the top of the northern boundary.

d. There is still barbed wire fencing along the trail (photo #3). BLNR ordered the removal of all barbed wire.

e. A latched gate still obstructs passage at the border of the park and residence lots (see photos in August 1981 report). The BLNR said no gates.

f. Signage at the cattle guard is still totally confusing. Many people have turned back at this point not knowing where the access trail goes (photo 4).

These photos were taken in February. We ask that you send an inspector to look at the trail conditions.

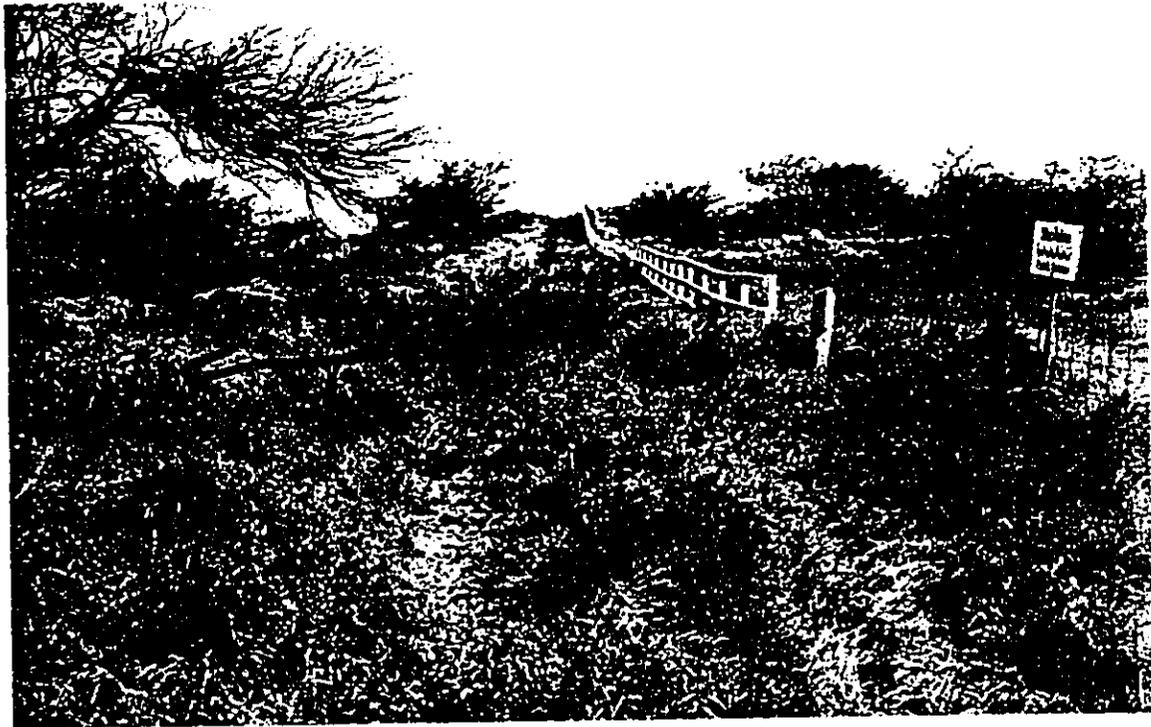
Finally, did the Isaacs ever get a building permit for the rock sun porch or the tennis court? I could not find them in the files.

Again, thank you for your patience in this matter. I sure wish we had better things to do.

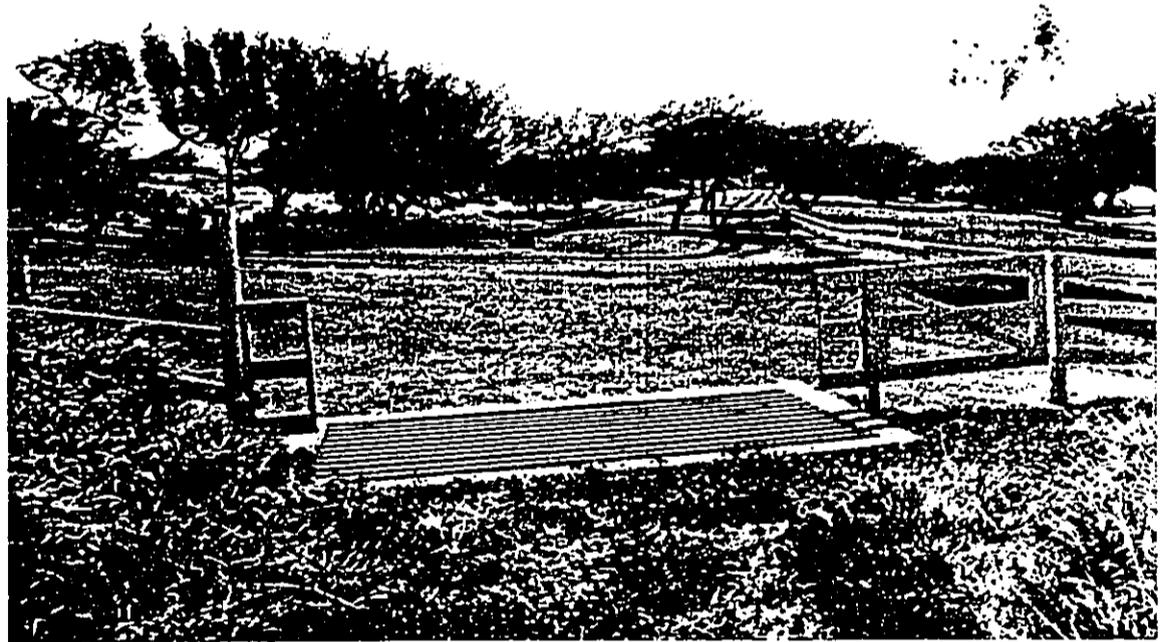
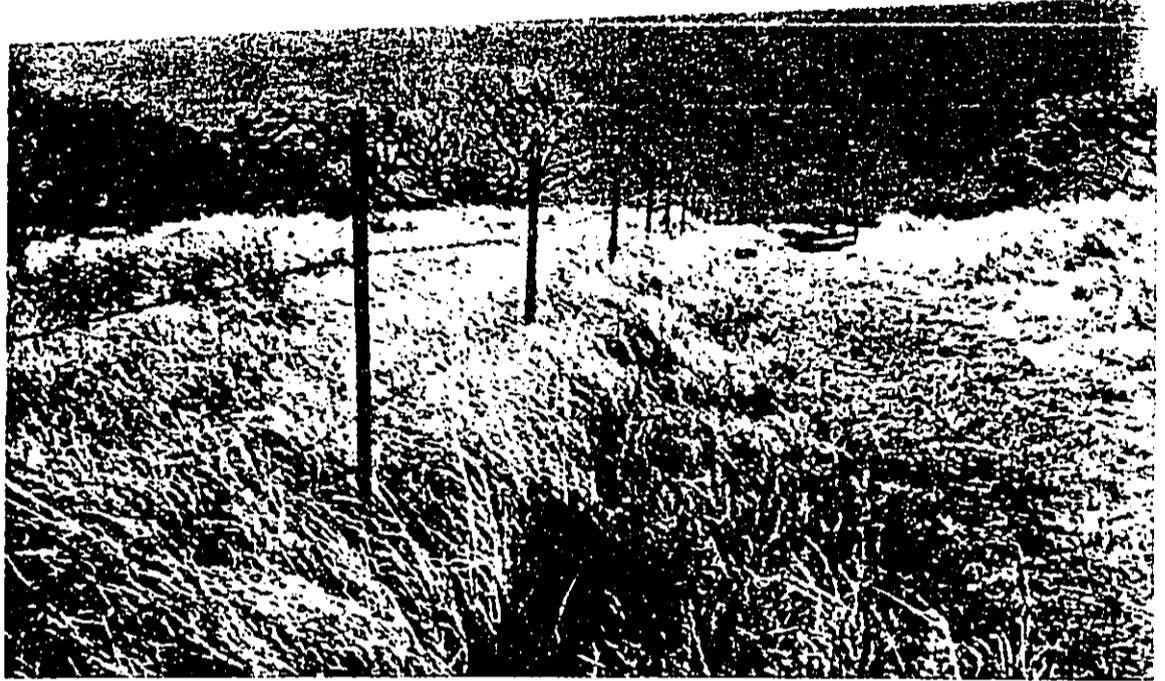
Sincerely,
Toni Withington
Toni Withington
Steering Committee Chairman



1



2



CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

CASE & LYNCH BUSINESS CENTER

460 KILAUEA AVENUE

HILO, HAWAII 96720-3084

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C. DUDLEY PRATT (1900-1970)

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GARY L. WINCH *
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VALTA A. COOK
JAMES M. CR. B. C. *
WESLEY W. CHIDA *
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ROBERT C. RICHARDS *
DAVID W. PROJUDOO *
BRUCE C. SUGLON *
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JEFFREY CHOI
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STEPHEN D. M. WALKER
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DENNIS M. LOMBARDI
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MAR W. J. GRAHAM, JR.
PETER M. MORIMOTO
FREDERICK R. TRONCONE

OF COUNSEL
ALLEN M. STACH

IA LAW CORPORATION

April 14, 1993

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

Attention: Alice Kawaha

Re: Special Management Area Permit and Environmental
Assessment for Paasive Park and Shoreline Trail
Realignment at Puakea Bay, North Kohala, Hawaii,
TMK: (3) 5-6-02:42

Dear Ms. Goldstein:

On behalf of myself and George Lindsey, Jr., Esq. as attorneys for George and Shirley Isaacs, and Everett Kaneshige, Esq. as the attorney for the Puakea Bay Ranch Owners Association, who are the property owners and co-applicants in the SMA application with your department and the CDUA File No. HA-1/28/93-2625 pending with the Board of Land and Natural Resources, I would like to present this response to the March 12, 1993 comment letter sent to you by Toni Withington on behalf of Citizens for Protection of the North Kohala Coastline.

As we discussed in our last conference on this matter, Ms. Withington and the Citizens for Protection of the North Kohala Coastline previously agreed to settle all issues

MEMBER OF THE PACIFIC RIM ADVISORY COUNCIL WITH MEMBER OFFICES IN ANCHORAGE, AUCKLAND, BANGKOK, BRISBANE, BOMBAY, BOSTON, DALLAS, HONG KONG, HOUSTON, JAKARTA, KUALA LUMPUR, LOS ANGELES, MANILA, MELBOURNE, MEXICO CITY, MONTREAL, NEW DELHI, PORTLAND, SAN DIEGO, SAN FRANCISCO, SEATTLE, SEOUL, SINGAPORE, SYDNEY, TAIPEI, TOKYO, TORONTO, VANCOUVER, WASHINGTON, D.C. AND MEMBER LEX MUNDI, A GLOBAL ASSOCIATION OF 116 INDEPENDENT FIRMS

Ms. Virginia Goldstein
April 14, 1993
Page -2-

relating to the Puakea Bay improvements and shoreline trail realignment located on the Isaacs and the Puakea Bay Ranch Owners Association properties. The written settlement agreement adopted by the Board of Land and Natural Resources in its decision on October 5, 1992 in the Isaacs' CUA File No. HA-11/18-91-2538 provided that the Citizens for Protection of the North Kohala Coastline would "make no other challenge to any presently existing and currently proposed conditions on the park lot or the Isaacs lot", and also agreed to "act consistently with the terms of this agreement". A copy of the written agreement entitled "Isaacs/Puakea Bay Settlement Terms" was incorporated by reference in the CUA approval letter by the Board of Land and Natural Resources.

Ms. Withington's March 12th letter includes references to matters outside the scope of the Environmental Assessment under review by your department and the OEQC, and therefore I will be responding primarily to those points relevant to the Environmental Assessment. With regard to paragraph no. 1, the relocation of the public shoreline access trail was subject to a public hearing and adopted by the Board of Land and Natural Resources in its decision of October 5, 1992. The comment by Ms. Withington that a public hearing on the relocation of the shoreline trail has yet to be had is incorrect. In fact, on July 24, 1992, when the Board of Land and Natural Resources held its public hearing on the relocation of the trail, Ms. Withington chose not to attend, and instead, sent her attorney Steven Strauss in her place. With regard to the private park improvements constructed on the subject property, no significant negative impacts were identified. The commitment by the applicant to comply with the mitigation measures recommended by DLNR concerning the archaeological sites found on the passive park property includes Honoipu Landing and is specified in the Isaacs/Puakea Settlement Agreement, which supports the finding of "no significant environmental impact".

Ms. Withington's paragraph no. 2 relating to the County pursuing enforcement proceedings for permit violations is not relevant for purposes of the Environmental Assessment. Similarly, paragraph no. 3 is answered by a review of the October 5, 1992 Board of Land and Natural Resources approval letter and Exhibit "A" which are attached to and incorporated into that approval.

Ms. Virginia Goldstein
April 14, 1993
Page -3-

In answer to paragraph no. 4, the Environmental Assessment shows the alignment of the proposed 10-foot wide lateral shoreline trail and proposed subdivision on Figure 4. The proposed alignment is located approximately 10 feet from the certified shoreline which fronts the makai cliff edge along the passive park lot and follows the certified shoreline to the south passing seaward of the Isaacs' residence. This location is based on the terms of the Isaacs/Puakea Bay Settlement Agreement, agreed to by the parties, including Ms. Withington's attorney, at the July 24, 1992 Land Board hearing and was approved by the Land Board. Ms. Withington now claims that this is not the correct location of the shoreline trail because the official site visit and designation had not taken place at the time her letter was written. The October 5, 1992 Board of Land and Natural Resources approval specifically provides that on most of the length of the shoreline access trail, it would be located within 10 feet or so of the top edge of the cliff, but where there are rock projections out from the cliff, or other terrain problems, the trail may be located somewhat farther from the actual edge of the cliff. It is the applicants' position that based on the terms of the settlement agreement and parties own representations, including that by Ms. Withington's attorney, at the July 24, 1992 Land Board hearing, that the proposed location of the shoreline trail is that which is shown on Figure 4 of the Environmental Assessment. Any significant departure from this location which was approved by the Land Board decision of October 5, 1992 would be clearly erroneous. On April 3, 1993 all parties and Land Board member Christopher Yuen attended a site visit to locate the makai trail alignment. Although there are a few points left unresolved, approximately 90% of the trail points along its mauka edge were agreed to between the parties. The applicants anticipate resolving the remaining trail points between the parties prior to the next scheduled Land Board meeting on this matter.

In response to the issues raised in paragraph no. 5 of Ms. Withington's letter, the amendments currently proposed which are different from those in the 1992 application, such as the wheel stops along the cliff top, address concerns raised at the last hearing by Land Board members over safety at the edge of the cliff. The additional landscape, fencing and safety improvements which are currently proposed are consistent with

Ms. Virginia Goldstein
April 14, 1993
Page -4-

the terms of the settlement agreement previously agreed to by the parties, including Ms. Withington, and approved by the Land Board at the July 24, 1992 hearing.

The items noted in Ms. Withington's paragraph no. 6 relate to SMA enforcement concerns and are not directly relevant for purposes of comment on the Environmental Assessment.

Rather than go into a point by point rebuttal to the other items in Ms. Withington's March 12, 1993 letter to you, I think it is sufficient to say that the settlement agreement accurately reflects the understanding of all of the parties including Ms. Withington and, more importantly, the decision of the Board of Land and Natural Resources already rendered in this matter. As your staff may recall, Ms. Withington has previously raised these issues in her prior SMA appeal filed with the Board of Appeals, which was subsequently withdrawn by her and her attorney with prejudice last year. Ms. Withington's repeated mischaracterizations and attempts to renegotiate the settlement agreement which she previously agreed to and which has been adopted as the decision of the Board of Land and Natural Resources and can only be construed as an attempt to renege on the settlement which has been reached by the parties and approved by the Board. In addition, her actions are a violation of the terms of the settlement agreement.

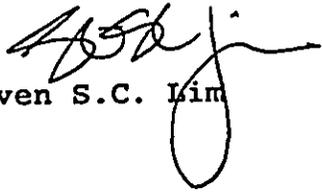
With regard to the issues raised by Ms. Withington on maintenance of the mauka trail signage and the building permits for the improvements on the Isaacs property, this will inform you that we are in the process of addressing those concerns in a manner consistent with the Board of Land and Natural Resources decision of October 5, 1992 and have been in active contact with your staff regarding these issues.

Thank you for the opportunity to respond to Ms. Withington's March 12, 1993 submittal. If you have any further questions please feel free to call me in Hilo at 961-6611.

Ms. Virginia Goldstein
April 14, 1993
Page -5-

Very truly yours,

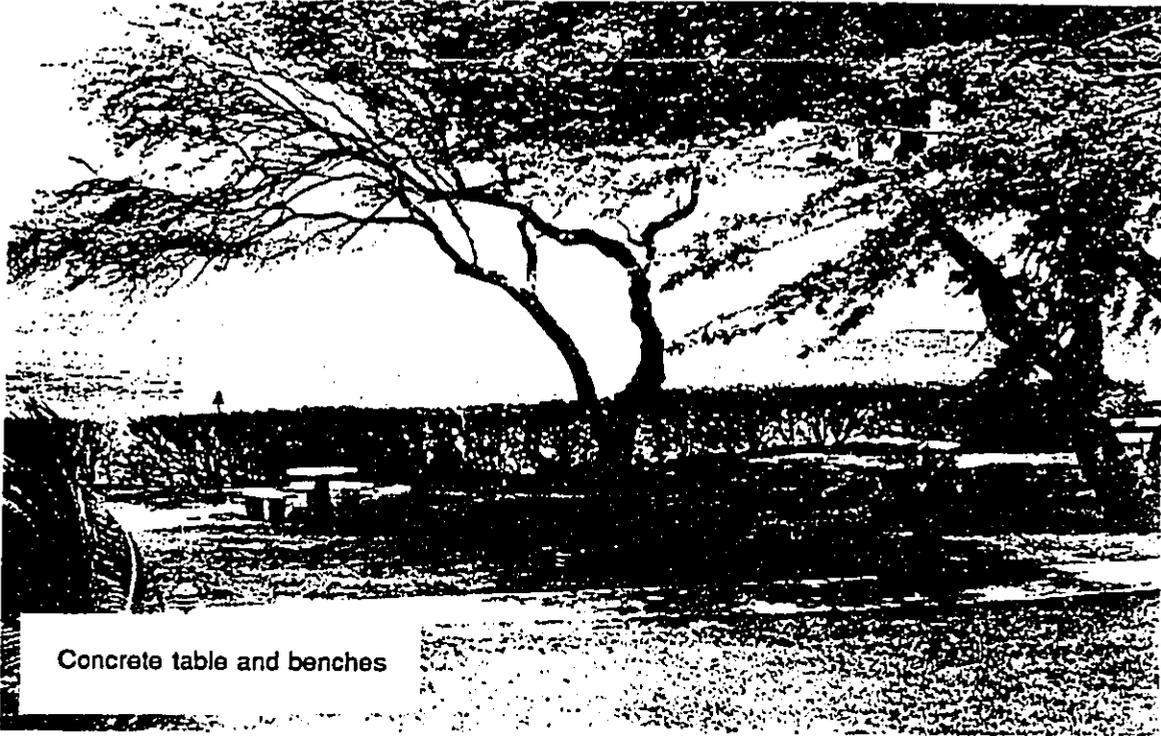
CASE & LYNCH


Steven S.C. Lim

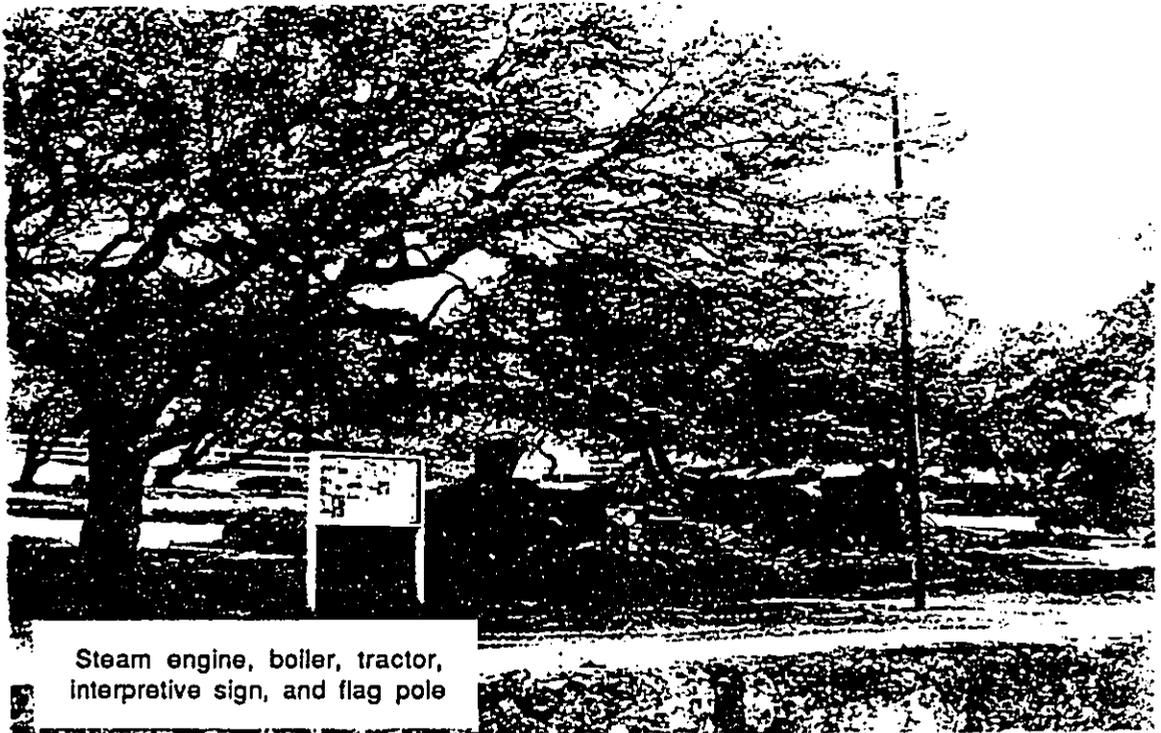
SSCL:bb
cc: George Isaacs, Sr.
George Isaacs, Jr.
George Lindsey, Jr.
Everett Kaneshige
✓ Glenn Koyama - BCA
Ed Henry - DLNR
OEQC

21861-1 4231b

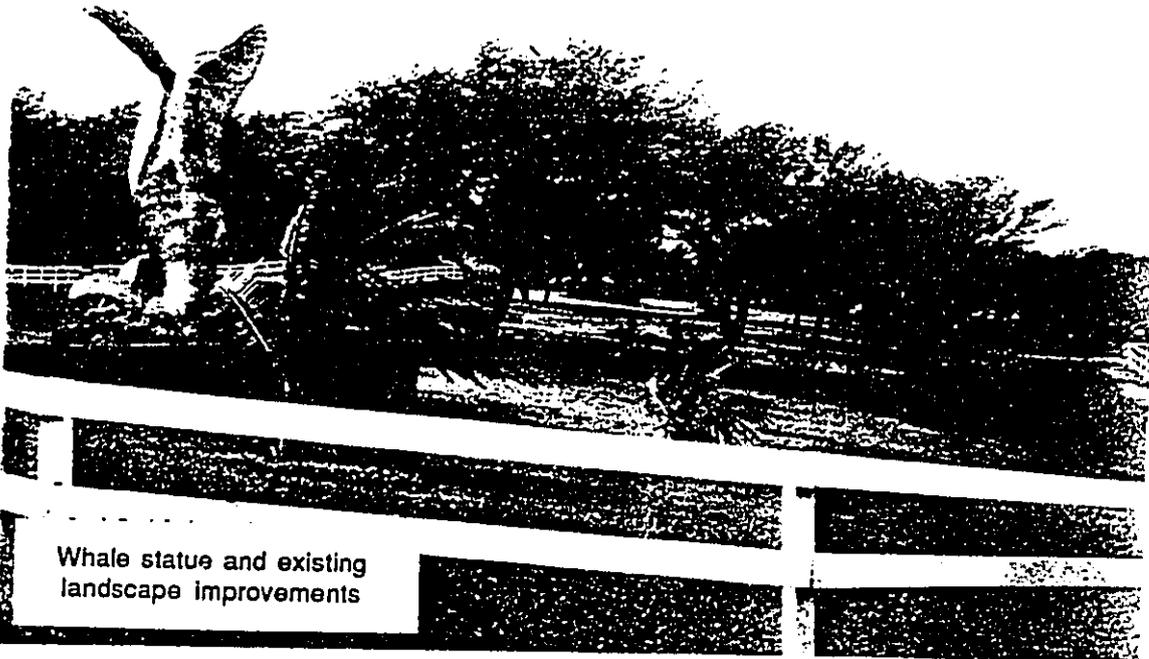
EXHIBIT A
PHOTOS OF PROJECT SITE



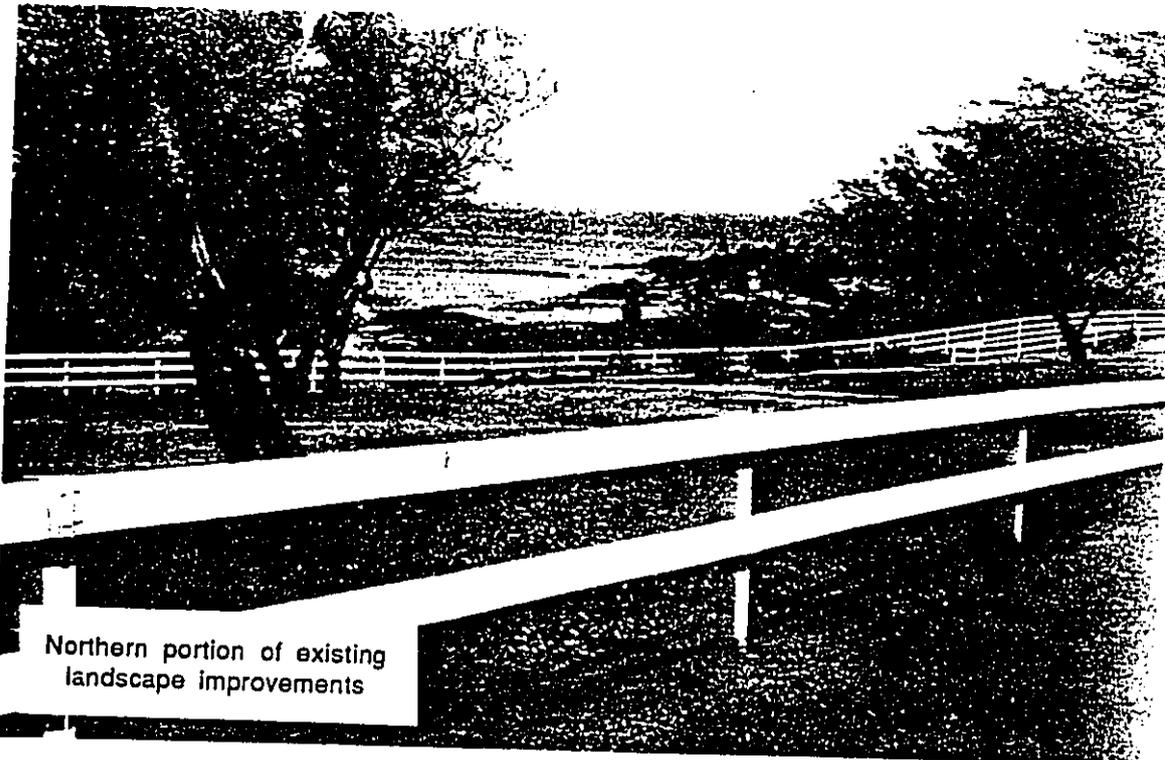
Concrete table and benches



Steam engine, boiler, tractor,
interpretive sign, and flag pole



Whale statue and existing
landscape improvements



Northern portion of existing
landscape improvements

EXHIBIT B
SHORELINE CERTIFICATION

JOHN WAMES
CONTROLLER OF TREASURY



WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 221
HONOLULU, HAWAII 96802

Ref: LM-SL

SEP 16 1992

Date Recd:

LS _____

HO _____

Action _____

Job # _____

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
JOHN P. KIPPENH, II
DONA L. HANAIKE
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESTORATION ENFORCEMENT
CONVEYANCES
COSMETIC AND WILDLIFE RESTORATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT
DN 1266F
SL-92:447

Mr. Lester T. Shimabukuro
Towill, Shigeoka & Associates, Inc.
1270 Queen Emma St., Suite 700
Honolulu, Hawaii 96813

Dear Mr. Shimabukuro:

SUBJECT: Shoreline Certification Request
Applicant: Towill, Shigeoka & Associates, Inc.
Property Owner: George & Shirley Isaacs
Location: Island: Hawaii District: S. Kohala
Tax Map Key: 5-6-2:41 & 42
Property Description: Lot C-1 of F.P. 1822 and Lot 243 of Ld. Ct. App. 1120:43
Land Management Case No. NA-120

This is to inform you that the subject shoreline certification request has been:

XX certified and no appeal has been received.

4 copies of map are enclosed herewith.

Should you have any questions regarding this matter, please contact Steve Lau of our Land Management Division at 587-0439.

Very truly yours,

WILLIAM W. PATY
Board of Land and Natural Resources

Enclosures

EXHIBIT C

**PUAKEA, NORTH KOHALA, HAWAII ISLAND:
ARCHAEOLOGICAL INVENTORY SURVEY
OF FOUR SITES IN THE CONSERVATION DISTRICT**

**PUAKEA, NORTH KOHALA, HAWAII ISLAND:
ARCHAEOLOGICAL INVENTORY SURVEY
OF FOUR SITES IN THE CONSERVATION DISTRICT**

Prepared for:

**Mr. and Mrs. George Isaacs
P. O. Box 879
Kapaau, Hawaii 96755**

Prepared by:

**William Barrera, Jr.
CHINIAGO INC.
P. O. Box 2649
Kamuela, Hawaii 96743**

MAY 1992

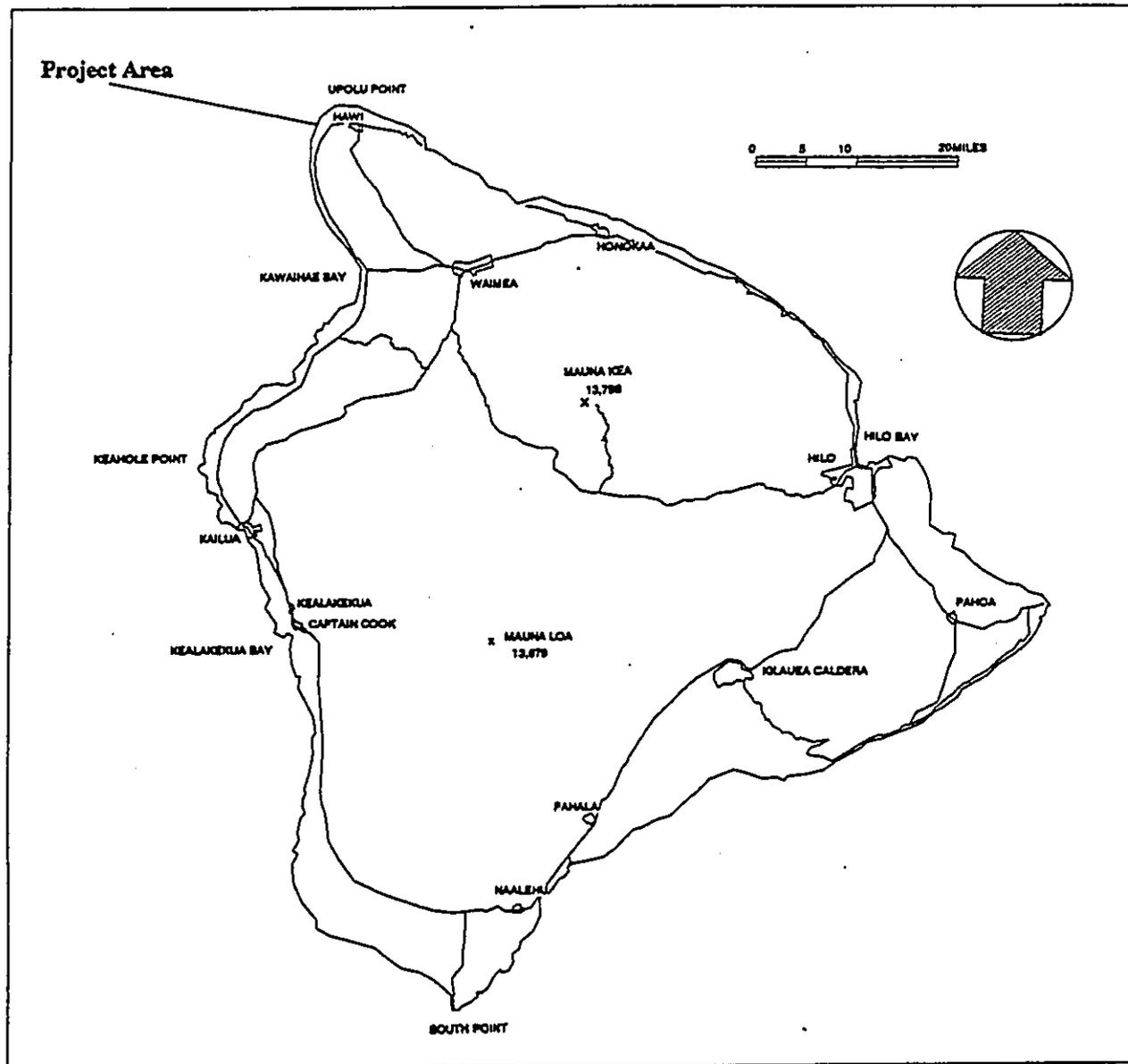
I. INTRODUCTION

An archaeological site inventory was conducted at four sites on the coast at Puakea, South Kohala, Hawaii Island [TMK: 5-6-02: 41]. They are located within the boundary of the Kohala Field System, a large prehistoric agricultural complex that extends along the lower flank of the Kohala Mountains.

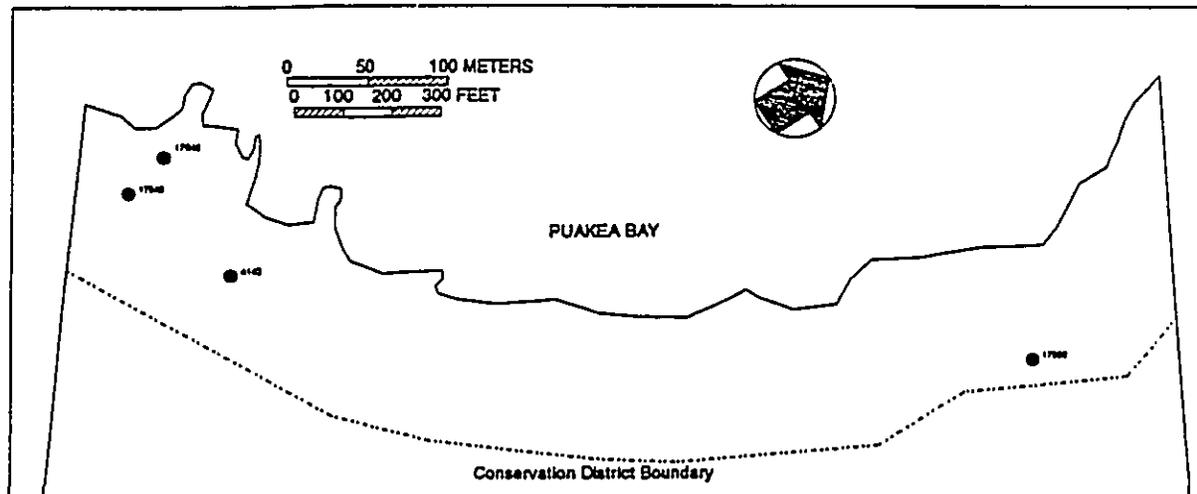
The purpose of this work was to fulfill a request of the Hawaii State Historic Preservation Office for inventory level recording of these four specific sites, which were pointed out to us by Mr. George Isaacs, Jr. who in turn had been shown their locations by Mr. Kanalei Shum of the State Historic Preservation Office.

Historic land use has been cattle and horse grazing. The Soil Conservation Service of the United States Department of Agriculture recognizes one soil type in the project area:

"Mahukona very stony silty clay loam, 6 to 12 percent slopes [MKC]. - This soil occupies coastal areas on the Kohala Mountains. The slope is dominantly 10 percent.



1. Hawaii Island, Showing Location of Project Area



2. Site Location Map

"In a representative profile the surface layer is dark reddish-brown very stony silty clay loam about 6 inches thick. The subsoil is dark reddish-brown and dusky-red silty clay loam about 30 inches thick. The substratum is hard saprolite. The surface layer is medium acid. The subsoil is slightly acid to neutral.

"Representative profile, Mahukona Quadrangle, lat. 20°12'07" N. and long. 155°53'34" W.:

"A1 - 0 to 6 inches, dark reddish-brown (5YR 3/3) very stony silty clay loam; dark reddish brown (5YR 3/4) when dry; weak, very fine, granular structure; soft, friable, slightly sticky, and plastic; many fine roots; many fine pores; about 1 to 2 percent of surface covered with stones; strong effervescence with hydrogen peroxide; medium acid; clear, smooth boundary. [5 to 7 inches thick]

"B1 - 6 to 12 inches, dark reddish-brown (5YR 3/3) silty clay loam; dark reddish brown (5YR 3/4) when dry; weak, medium and fine, subangular blocky structure; hard, friable, slightly sticky, and plastic; many fine roots; many very fine pores; strong effervescence with hydrochloric acid; many black specks; slightly acid; clear smooth boundary. [5 to 7 inches thick]

"B21 - 12 to 19 inches, dark reddish-brown (5YR 3/3) silty clay loam; dark reddish brown (5YR 3/4) when dry; moderate, fine, prismatic structure; slightly hard, friable, slightly sticky, and plastic; compact in place; common fine roots; many very fine pores; strong effervescence with hydrogen peroxide; many black specks; slightly acid; abrupt, smooth boundary. [7 to 9 inches thick]

"B22 - 19 to 36 inches, dusky-red (2.5YR 3/2) silty clay loam; reddish brown (5YR 4/4) when dry; moderate, very fine, subangular blocky structure; hard, friable, sticky, and plastic; few fine roots; many very fine and fine pores; strong effervescence with hydrogen peroxide; common black specks; neutral; abrupt, wavy boundary. [15 to 19 inches thick]

"C - 36 inches, variegated hard saprolite.

"The depth to saprolite is 32 to 42 inches. In places the A horizon has a weak, platy structure. The hue of the A horizon ranges from 5YR to 7.5YR.

"Included in mapping are shallow soils in drainageways.

"Permeability is moderate, runoff is medium, and the erosion hazard is moderate. The available water capac-

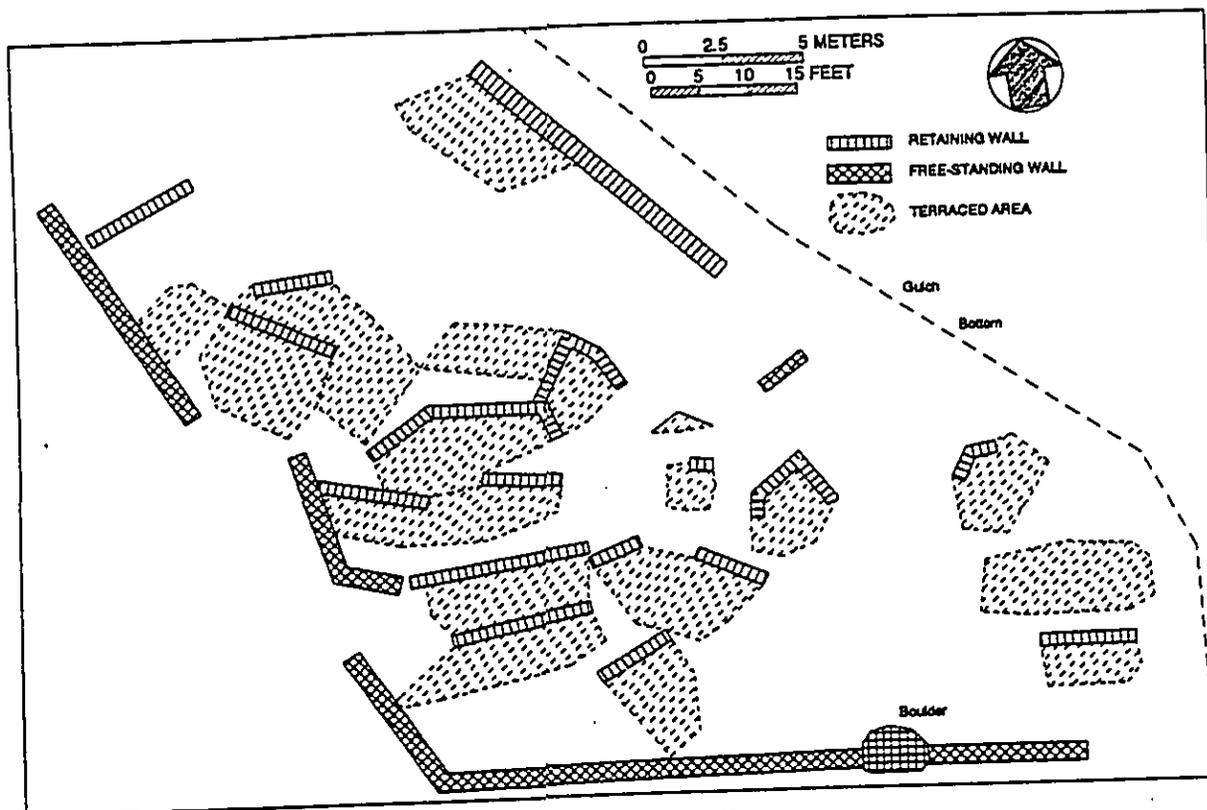
ity is about 1.5 inches per foot of soil. Roots can penetrate to a depth of 3 feet or more.

"This soil is used for pasture. [Capability subclass VI, nonirrigated; pasture group 2]" [USDA Soil Conservation Service 1973: 34-5].

The immediate vicinity of the sites is somewhat steeper in slope than indicated by the Soil Conservation Service, and wind erosion has denuded much of the surface. Suggested test excavations were ruled out because this would have increased the erosion hazard at the sites.

Previous archaeological work in the vicinity has included the 1972 recording of two sites for the State-wide Inventory of Historic Places, a brief reconnaissance level survey by Tomonari-Tuggle [n.d.], several reconnaissance or survey level efforts by Rosendahl [1982a, 1982b, 1982c, 1982d], a survey and test excavations by Kaschko [1982], a survey by Barrera [1984a] and excavation of two field shelters by Barrera [1984b].

Two radiocarbon dates were obtained from excavation of a stone mound in the field system. These indicate utilization during the period



3. Plan of SITE 4143

between the fifteenth and seventeenth centuries [Kaschko 1982: 34].

II. RESULTS
50-10-01-4143

This site was originally recorded in 1972 for the Statewide Inventory of Historic Places, and was included in Tomonari-Tuggle's report as Site K-27. It was originally referred to as the Honoipu Garden Area, but the State Historic Preservation Office has indicated that its proper designation is the Honoipu Dryland Agricultural Terraces. The site was described as follows:

"DESCRIPTION

"These features lie immediately south of the remains of Honoipu Landing and along the sides of a small gully facing the sea. In appearance, this is a series of stone alignments and circular stone arrangements with hollow centers. The

workmanship is rough and it is somewhat difficult to tell if they are cultural, but are sure to be so, for they are similar to what has been identified as 'knoll gardens' in the Lapakahi area to the south.

"There is nothing that can be easily drawn or described because of the roughness of the construction and someone not familiar with the Lapakahi type gardens might well not recognize this area as man-made.

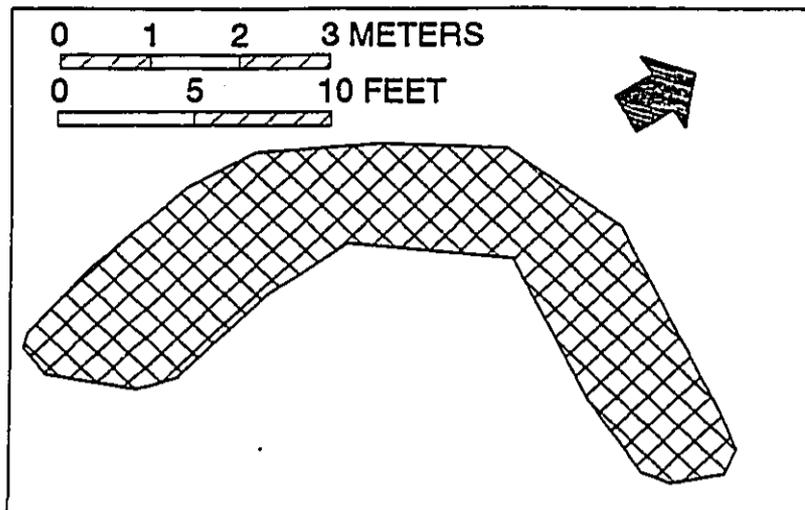
"SIGNIFICANCE

"This area illustrates the use of gardening techniques similar to those found in upland Lapakahi some miles to the south. It is interesting to find them so close to the coast in this area, for it affirms the distribution of the Kohala field system and associated gardens in relation to rainfall zones. In this area, the 40 inch rainfall line is much closer to the coast than it is at Lapakahi and thus, one finds traces of agriculture such as this. Beyond the

value of this garden plot solidifying previously presented hypotheses about agriculture feature distribution in North Kohala, there is little of significance. There is doubtful research and interpretive potential" [Statewide Register of Historic Places Nomination Form].

The compiler of the form then recommends the site for Marginal inventory status.

In the east end of the indicated site area we experienced the same difficulty in identifying features as was reported on the State Inventory form, and no mapping was done in that area. The features on the west end, which are found on the south slope of the gully, were more readily identifiable. They cover an area of about 20 by 35 meters [500 square meters] and consist of approximately twenty relatively flat soil pockets in the basalt bedrock. These range from about one meter to as much as seven meters in length, and are held in place by



4. Plan of SITE 17845

crude retaining walls measuring about 0.4 meter in width and standing to heights of between 0.20 and 0.50 meter. The northeast side of the complex is bordered by the bottom of the gully; the south and west edges are delineated by four sections of a crude free-standing wall that measures 0.6 meter in width and stands to a height of 0.6 meter. This wall clearly marks the boundary of the site, and strongly suggests that the agricultural features were restricted to the side of the gully and did not extend onto the ridge top. This makes a great deal of sense, as the gully would have protected crops from the strong winds that commonly blow across this area. It does not appear, therefore, that construction of the adjacent tennis court destroyed any of the site. However, a large boulder does appear to have rolled down the slope from the tennis court area and is now resting on the site, and there is a deposit of silt covering an area of approximately 25 square meters that has washed down from the tennis court area. Neither of these has caused any damage, other than obscuring details of the site in those places where they have come to rest.

The only portable cultural materials found were a single fragment of an *Antigone reticulata* and one polished basalt adze flake.

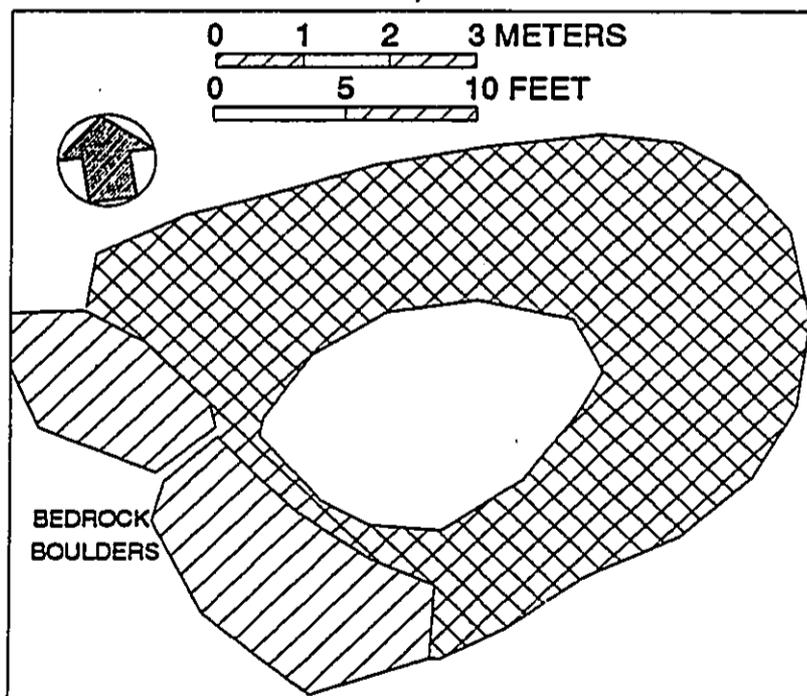
The site is clearly a prehistoric agricultural feature. It is significant solely for its information content.

50-10-01-17845

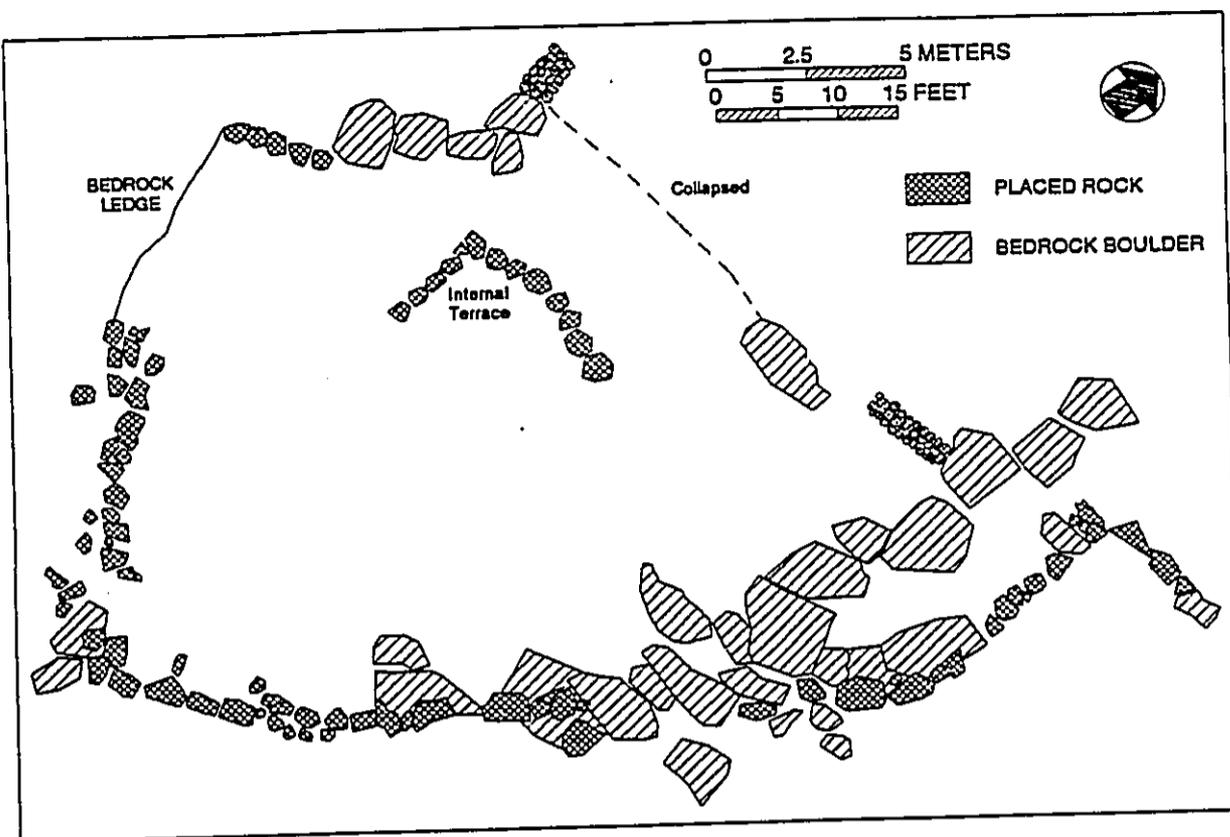
This site was pointed out by Mr. Shun as Tomonari-Tuggle's Site K-33, even though she shows K-33 to be

located somewhat further south, in the adjacent land of Kukuipahu.

It is a habitation terrace measuring 3.6 by 8.2 meters [20.8 square meters]. It consists of a shallow C-shaped retaining wall that covers an area of 12.6 square meters and encloses an area of 8.2 square meters. It stands to a height of 40 centimeters above the surface of the terrace on the east side, and to a height of 75 centimeters above the sloping ground surface on the west side. It is constructed of stacked basalt cobbles and boulders, the basal interstices of which have been filled by fine-grained sediments that have washed in from the adjoining slope. No midden or artifacts were observed. The site is in good condition, although the east side has been covered with a very thin deposit of recently dumped soil. There does not appear to have been any damage to the site as the result of construction of a tennis court, which is located some distance to the east.



5. Plan of SITE 17846



6. Plan of SITE 17988

This prehistoric habitation feature is significant for its information content.

50-10-01-17846

This site was pointed out by Mr. Shum as Tomonari-Tuggle's Site K-34, even though she shows K-34 to be located somewhat further south, in the adjacent land of Kukuipahu.

It is a crude habitation shelter measuring 5.9 by 6.8 meters [33.9 square meters] and standing to a height of 40 centimeters. The spaces between the basalt cobbles and boulders of the wall, which covers an area of 26.2 square meters and encloses an area of 7.7 square meters, have been completely filled with fine-grained sediments washed down from the adjacent slope. This gives the feature the appearance of a shallow depression enclosed by a low earthen berm on three sides and two bedrock boulders

on the fourth. No midden or artifacts were observed.

This prehistoric habitation shelter is significant for its information content.

50-10-01-17988

This site was originally designated as K-12 by Tomonari-Tuggle, who described it as follows:

"Complex of stone habitation and storage features, ca. 15 by 40 m. Built into and around large outcrop; large dirt-surface platform 15 by 18 m, with two small sheltered areas formed by overhanging outcrop; boulder alignments extending off N and S ends of platform; scattered midden."

It is a terrace measuring approximately 18 by 30 meters and covering an area of about 324 square meters. The southeast and southwest sides of

the feature consist of alignments of boulders and large cobbles built on and against an outcrop of large bedrock boulders. It stands to a height of between 0.50 and 0.80 meter. The west corner is a 0.60 meter high bedrock ledge. The northwest side of the feature is formed by a retaining wall that stands to a height of 0.90 meter, the central portion of which has collapsed and is difficult to recognize.

A small internal terrace is located on the feature. It measures 3.50 by 5.20 meters, and is contained by a retaining wall standing to a height of 0.60 meter.

Midden remains are rather scarce, and consist only of the shells of a limpet [*Cellana* sp.]. Waterworn coral pebbles and basalt pebbles and cobbles [one of which may be a hammerstone] are present. Also present was a fragment of what appears to be a fine-grained basalt whetstone, sev-

eral pieces of historic nineteenth century bottle glass, and a flake of intentionally chipped chert or flint. Cobbles of porites coral are present, especially outside the structure to the east, and appear to have rolled down from the adjacent dirt jeep trail, for they are found along its length.

Based on its irregular form, method of construction and scarcity of historic artifacts, it is doubtful that the structure dates from the period of historic utilization at the Honoipu Landing facilities. It is quite a bit larger than the ordinary habitation feature, and the absence of branch coral strongly suggests that it did not have a religious function. The most likely interpretation, therefore, is that this site was either a Men's House or the residence of a high-ranking individual, and that it dates from the prehistoric period. It is certainly significant for its information content, and may be of significance for its value to a cultural or ethnic group because of its possible religious or chiefly association. The site should be preserved in its present condition and, in order to avoid drawing attention to it from passersby, it would be best not to mark it in any way. No further steps should be required.

References

Barrera, William M., Jr.

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1984b *Puakea, North Kohala, Hawaii: Archaeological Excavation of Two Field Shelters*. Chiniago Inc. Honolulu.

Kaschko, Michael W.

1982 *Intensive Archaeological Survey and Test Excavations, Puakea Bay Ranch Roadway Corridor, Lands of Honoipu and Puakea, North Kohala, Island of Hawaii*. Paul H. Rosendahl, Ph.D., Inc. Kurtistown, Hawaii.

Rosendahl, Paul H.

1982a *Archaeological Reconnaissance Survey, Puakea Bay Ranch, Puakea, North Kohala, Island of Hawaii [TMK: 3-5-6-01: 24, 43, 68]: Preliminary Report Upon Completion of Field Work*. Paul H. Rosendahl, Ph.D., Inc. Kurtistown, Hawaii.

1982b *Intensive survey and Testing, Puakea Bay Ranch Roadway Corridor, Puakea Bay Ranch, Honoipu, North Kohala, Island of Hawaii [TMK: 3-5-6-01: 24, 43, 68]: Preliminary Report Upon Completion of Field Work*. Paul H. Rosendahl

Ph.D., Inc. Kurtistown, Hawaii.

1982c *Archaeological Reconnaissance, Proposed Access Road Corridors, Puakea Bay Ranch, Puakea and Honoipu, North Kohala, Island of Hawaii [TMK: 3-5-6-01: 24, 43, 68]*. Paul H. Rosendahl, Ph.D. Inc. Kurtistown, Hawaii.

1982d *Archaeological Reconnaissance Survey, Puakea Bay Ranch, Lands of Puakea and Honoipu, North Kohala, Island of Hawaii [TMK: 3-5-6-01: 24, 43, 68]*. Paul H. Rosendahl, Ph.D., Inc. Kurtistown, Hawaii.

Tomonari-Tuggle, Myra J.

n.d. *North Kohala: Perception of a Changing Community. A Cultural Resource Management Study*. Manuscript.

EXHIBIT D

RECOMMENDATION LETTERS BY CHINIAGO INC.

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CHINIAGO INC.

Archaeological Consulting
P. O. Box 2649
Kamuela, Hawaii 96743
(808) 885-7262
FAX: 885-5655

October 16, 1992

Mr. and Mrs. George Isaacs
P. O. Box 879
Kapaau, Hawaii 96755

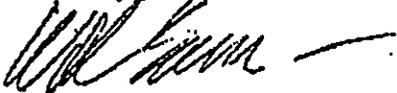
Dear Mr. and Mrs. Isaacs:

Subject: Puakea Bay Coastal Trail Archaeological Survey

On this date I walked the proposed right-of-way of a coastal access trail across your property at Puakea Bay. The only archaeological or historic remains encountered consisted of fragments of metal, brick and stone that were definitely historic in age, and undoubtedly date from the time when the Honoipu Landing facilities were in use. It is therefore my opinion that construction of the trail does not represent an adverse impact upon any significant archaeological or historical sites.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



William Barreta, Jr.
President

CHINIAGO INC.

Archaeological Consulting

P. O. Box 2649

Kamuela, Hawaii 96743

(808) 885-7262

FAX: 885-5655

October 15, 1992

Mr. and Mrs. George Isaacs
P. O. Box 879
Kapaau, Hawaii 96755

Dear Mr. and Mrs. Isaacs:

Subject: Recommendations for Protection of Certain Archaeological Sites at Puakea Bay, North Kohala [TMK: 5-6-02: 41].

Site 4143 [Honoipu Dryland Agricultural Terraces] - This site covers an area of about 20 by 35 meters [500 square meters] and consists of approximately twenty relatively flat soil pockets in the basalt bedrock. I believe that it should be sufficient to place metal fencing across the bottom of the slope adjacent to the site to prevent access to people and livestock.

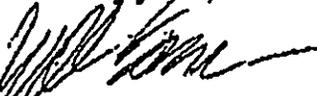
Site 7012 [Honoipu Landing] - As nothing remains of this site but the partial remains of the concrete pad that once supported the landing facility building[s], and this is safely ensconced beneath a layer of asphalt, I would recommend no further action.

Sites 17845 and 17846 [Habitation Terrace and Habitation Shelter] - Each of these should be surrounded by metal fencing to prevent damage from people and livestock.

Site 17988 [Habitation Terrace or Men's House] - I recommend surrounding the entire structure with metal fencing so as to enclose a buffer zone of ten feet around the site.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



William Barrera, Jr.
President

EXHIBIT E

**CONTRACTOR'S PROPOSAL TO CONSTRUCT
LATERAL SHORELINE ACCESS TRAIL
AT PUAKEA BAY RANCH, TMK 5-6-02:41 & 42**

EXHIBIT E

**CONTRACTOR'S PROPOSAL TO CONSTRUCT
LATERAL SHORELINE ACCESS TRAIL
AT PUAKEA BAY RANCH, TMK 5-6-02:41 & 42**

1. Universal Maintenance Services (submitted 10-19-92) \$16,900
Includes trail construction.
2. Lincoln Construction (submitted 10-24-92) \$15,000
Includes trail construction, landscaping and irrigation.