



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 821
HONOLULU, HAWAII 96809

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HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

REF:PS:EH

MEMORANDUM

TO: Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Dean Y. Uchida, Administrator *[Signature]*

SUBJECT: Final Environmental Assessment (FEA) and Finding OF No
Significant Impact (FONSI) for the Subdivision of State
Land and Land Exchange, Single Family Residence and
Related Site Improvements, and the Realignment of the
Existing Road Easement, at Kiholo Bay, Hawaii, TMK: 7-1-
02:08

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on January 8, 2000 for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the April 8, 2000 OEQC Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form, a diskette and four copies of the Final EA for the project. The summary for this project has not significantly changed from that noted in the Publication Form for the Draft EA.

Please contact staff planner Ed Henry of our Land Division's Planning Branch at 587-0380, if you have any questions.

Enclosures

c.c. Greg Mooers

APR - 8 2000

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2000-04-08-HI-~~FEA~~-

**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT
(BAKKEN LAND EXCHANGE)**

AT KIHOLO BAY

TMK (3rd): 7-1-02:01 (por.) and 02
Pu'uwa'awa'a, North Kona, Hawaii Island, State of Hawaii

March 2000

Prepared for:

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

**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT
BAKKEN LAND EXCHANGE AT KIHOLO BAY**

TMK (3rd) 7-1-02:01 (por.) and 02
Pu'uwa'awa'a, North Kona District, Island of Hawaii, State of Hawaii

APPLICANT:

Earl Bakken, c/o Roy A. Vitousek III
Cades, Schutte, Fleming and Wright
75-170 Hualalai Road, Suite B-303
Kailua-Kona HI 96740

**ACCEPTING
AUTHORITY:**

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

CONSULTANT:

Ron Terry Ph.D.
HC 2 Box 9575
Keaau, Hawaii 96749

CLASS OF ACTION:

Use of State Land
Action in Conservation District

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

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SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Project Summary

Dr. Earl Bakken has initiated a project at Kiholo Bay that would exchange a beachfront parcel he owns in exchange for a portion of a large State parcel. The project would also relocate an existing access and utility easement and construct a caretaker's cottage and associated improvements. The exchange offers benefits to the State of Hawaii by providing a beachfront parcel with an existing custom home adjacent to the prime area for coastal recreation on State land in Kiholo. This would also allow for state control and oversight of the anchialine pools, lava tube caves, and other rare and sensitive ecosystems on or near the Lynn parcel. This EA does not cover specific facilities or activities that might occur on the Lynn parcel once it comes under the control of the State of Hawaii, other than the "leave as-is" option, which will entail somewhat increased access and usage of the Lynn parcel.

Short Term Impacts

Construction Impacts: Landclearing and construction activities associated with both the proposed caretaker cottage and relocated access and utility easement will produce short-term impacts to noise, air quality, access and scenery. In order to ensure that construction-related damage to the land and adjacent ocean is avoided or minimized, the following will be implemented:

Mitigation Measure: Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; and construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean.

Long Term Impacts

Sensitive biological, hydrological or historic site resources are present on the Lynn parcel. If the State assumes ownership of this property, it will also be granted the stewardship of these resources. The precise management of these resources cannot be specified at this time. Archaeological sites are present on the State parcel. Conditions related to the CDUP are expected to require preservation of the archaeological features found there. As a precaution, the following additional mitigation measure is proposed:

Mitigation Measure: A preservation plan for the archaeological sites on the exchange parcel will be developed for approval by the State Historic Preservation Division (SHPD). If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

The Huehue-Kiholo Trail is located to the south of the exchange parcel. Although the trail will not be affected by the proposed action, the Hawaii State Division of Forestry and Wildlife Na Ala Hele Program has requested assistance in making the trail more visible to and useable by hikers.

Mitigation Measure: The applicant agrees to clear vegetation and purchase and install appropriate signage as approved by Na Ala Hele for a portion of the Huehue-Kiholo Trail between the access road to the north end of Kiholo Bay and the shoreline.

PART 1: PROJECT DESCRIPTION

1.1 Project Location, Description and Purpose

Dr. Earl Bakken has initiated a project that would exchange a beachfront parcel he owns in Kiholo Bay for an as-yet unsubdivided, non-beachfront portion of the large State parcel at Kiholo Bay (Fig. 1). Specifically, it would exchange a 9-acre portion of State parcel TMK 7-1-02:1 (the "State parcel" - see Figs. 3e-f) for a 3-acre lot identified as TMK 7-1-02:2 (the "Lynn parcel" - see Fig. 3c), which was formerly owned by Loretta Lynn and is now owned by Earl Bakken. The project would also relocate an existing access and utility easement that was granted by the State of Hawaii to the Bakkens in 1989 from its current position to a route just inland of the State parcel.

The Bakkens' objective is to acquire additional property to provide a buffer surrounding their existing home on TMK 7-1-2:3 (the "Bakken parcel", which is contiguous with the State parcel) and space for a caretaker's cottage, construction of which is also part of the project (See Figs. 3c, 4a-c).

The caretaker's house will be used as housing for a caregiver family who will care for Mr. and Mrs. Bakken. The Bakken's present single-family home is not designed in a manner that can accommodate a caregiver family without sacrificing the privacy of both families.

Additional activities accessory to the caretaker's cottage or related to use of the Bakken parcel include the following:

- Landscaping using existing vegetation and new native plants;
- Gardening to produce food for personal consumption;
- Storage of maintenance equipment and supplies;
- Parking for Bakken household employees and guests; and
- Additional for solar panels for photovoltaic system.

Other than limited landscaping, these uses will be located on or makai of the current access and utility easement (see Fig. 1); i.e., most of the nine acres will remain in its present condition.

Furthermore, the applicant will clear vegetation and purchase and install appropriate signage as approved by Na Ala Hele on a portion of the Huehue-Kiholo Trail between the access road to the north end of Kiholo Bay and the shoreline.

These activities will require approval from the Department of Land and Natural Resources under a Conservation District Use Permit (CDUP).

1.2 Potential Benefits to the State of Hawaii

The exchange would also enable consolidation of the Lynn parcel - with its broad coastal frontage, an existing two-story, 1,843 square-foot custom home, and an anchialine pond (Waiaalepi - see Fig. 3b) - with the prime area for coastal recreation on State land in Kiholo. This would provide the following benefits to the State of Hawaii:

- Substantially increase (by 400 feet) the existing coastal frontage of State land at the south end of Kiholo Bay;
- Provide infrastructure (Lynn house, utilities and access road) for future State use; and
- Provide state control and oversight of the anchialine pools, lava tube caves, and other rare and sensitive ecosystems on or near the Lynn parcel.

It should be emphasized that this EA does not cover specific facilities or activities that might occur on the Lynn parcel once it comes under the control of the State of Hawaii. For the purposes of this EA it is assumed that public ownership, for the present, will entail somewhat increased access and usage of the Lynn parcel. This usage is not expected to increase substantially in the short-term, as the parcel is currently unfenced or guarded, and many visitors to Kiholo Bay already exercise casual use.

However, it is recognized that the State of Hawaii will have several options for future use. The State may choose to leave the parcel "as-is" for a long period of time or indefinitely. Another idea is for a non-profit group to lease State land in the Pu'uwa'awa'awa ahupua'a, including the Lynn home. The group would act as caretakers for this land, with a mandate to promote public access and use. This would provide many of the functions of the State Park without funding or management responsibilities. Another option the State may ultimately pursue is development of a full State park, an idea which has generated preliminary planning at several times in the last three decades. It is important to note that some of these options involve active use of public funds or lands. Such subsequent activities would therefore likely require additional compliance with Chapter 343, HRS and/or laws and regulations governing activities in the Conservation District.

1.3 Cost

Mr. Bakken paid \$2,675,000 to acquire the Lynn parcel (See App. 3 for documentation). The 9-acre portion of the State parcel desired for exchange has not been formally appraised but comparison with similar sales of undeveloped acreage not directly connected to the shoreline in other locations in West Hawaii indicate that the value of the parcel is considerably less than \$1,000,000 (see App. 3 for comparisons). The Bakkens are requesting only the amount of land that they believe necessary to accomplish their objectives. It is understood that they are not entitled to recover the difference from the State the value of the property they give up in the exchange which exceeds the value of the property they receive. They excess value shall be provided as a gift to the people and the State of Hawaii.

1.4 Summary of Regulatory Requirements

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawaii Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawaii Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawaii.

The Environmental Assessment is necessary because 1) the land exchange involves State land; 2) the relocated access road involves use of State land; and 3) activities on the new State parcel to be acquired by Mr. Bakken (subdivision, cottage construction, and accessory activities) will involve actions on private land within the Conservation District.

According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 5 lists these criteria and the preliminary findings made by the State of Hawaii Department of Land and Natural Resources. If no impacts are considered significant, then the proposing or approving agency will issue a Finding of No Significant Impact (FONSI).

Accordingly, if this study concludes that no significant impacts would occur from implementation of the proposed action, a FONSI will be prepared and the action will be permitted to occur. If this study finds that significant impacts are expected to occur as a result of the proposed action, then an Environmental Impact Statement (EIS) will be prepared.

1.5 Public Involvement and Agency Coordination

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

County:

Planning Department

State:

Department of Land and Natural Resources, Historic Preservation Division
Department of Land and Natural Resources, Na Ala Hele Program
Department of Land and Natural Resources, Aquatic Resources Division
Department of Land and Natural Resources, Division of Conservation and Resources Enforcement
Office of Hawaiian Affairs

Private:

Sierra Club
Ka 'Ahahui O Pu'uwa'awa'a
Landowners at Kiholo Bay

Copies of communications received during preconsultation are contained in Appendix 1A. Further public involvement occurred through a September 14, 1999 meeting with Ka 'Ahahui O Pu'uwa'awa'a, an informal group of resource managers, landowners and others with expertise in the management of environmental resources in the Pu'uwa'awa'a ahupua'a.

Notice of the availability of the Draft EA was published by the Hawaii State Office of Environmental Quality Control (OEQC) in the *Environmental Notice* of 8 January 2000. This initiated a 30-day comment period during which the public was invited to respond to the Draft EA with comments or questions. Fifteen comment letters were received. These letters and the responses to them are included in Appendix 1B

PART 2: ALTERNATIVES

2.1 Proposed Project

The proposed project is described in Section 1.1 above and mapped and illustrated in Figures 1-4. For the purposes of this EA, it is assumed that the total amount of State land exchanged will not exceed nine acres and that the location of the proposed relocated access road may shift slightly from the position mapped in the figures. With this in mind, environmental survey has included a wide buffer area around the mapped location of the proposed facilities.

2.2 No Action

Under the No Action Alternative, the land exchange would not occur. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

No other Alternatives are currently acceptable to the Bakken, and therefore none are addressed in this EA.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

3.1 Basic Geographic Setting

Maps of the project site are provided in Figure 1-2 and photographs in Figures 3-4. The proposed lot on the State parcel does not have shoreline frontage, and is mainly situated inland of the Bakken parcel. The gently sloping but hummocky pahoehoe is sparsely vegetated, mostly with shrubby kiawe (*Prosopis pallida*) trees and alien grasses. Other than the access road which splits the proposed lot in two parallel to the coast, there is no development present. The lot varies from about 10 to 40 feet above sea level.

The Lynn parcel is situated behind a sand and pebble beach with about 400 feet of unobstructed beach frontage. Anchialine pools are present within the parcel near its the southern boundary, which is on an 'a' a lava flow.

The surface geology consists of lava flows from Mauna Loa dated between 1.5 and 3 ka (Wolfe and Morris 1996). Soil is minimal and the area is classified as either Lava, Pahoehoe Flows (virtually no soil) or Rock Land (pahoehoe covered in places by a thin soil layer). Runoff and soil erosion hazard permeable with low runoff and slight erosion hazard (U.S. Soil Conservation Service 1973). Annual rainfall averages about 20 inches (U.H. Hilo-Geography 1998:57).

3.2 Physical Environment

3.2.1 Drainage, Flooding and Hazards

Environmental Setting

A small portion of the State parcel lies within Zones VE (Coastal High Hazard Area) and AE (subject to inundation by the 100-year flood determined in a Flood Insurance Study by detailed methods, with base flood elevations shown) on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) (see Fig. 2). The Lynn parcel is outside the Special Flood Hazard Area as defined on the FIRM maps. Chapter 27 of the Hawaii County Code stipulates that any new construction or substantial improvements within Special Flood Hazard Areas must adhere to certain requirements.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 3 (on a scale of ascending risk 9 to 1). Zone 3 areas have had about 15-20 percent of their surfaces covered in the last 750 years (Heliker 1990). The 1859 flow, which occupies about 10

percent of Zone 3 covered up a portion of a large fishpond and forms the northern terminus of Kiholo Bay. The 1801-1802 Kaupulehu lava flow from Hualalai marks the southern boundary of the Lynn parcel. As such, there is a moderate risk of lava inundation over relatively short time scales.

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

Impacts and Mitigation Measures

The project is located in an area exposed to a certain amount of hazard from coastal flooding, lava flows and earthquake, but in general, these conditions impose no substantial constraints on the project.

The existing structure on the Lynn parcel conforms to Chapter 27 of the Hawaii County Code. In order to avoid impacts to the Special Flood Hazard Areas, any future improvements would be reviewed by the Hawaii County Department of Public Works to ensure that they also conform with Chapter 27. The home proposed for the State parcel lies well outside of any flood zone. The proposed home and all structures associated with it would conform to the Uniform Building Code.

The Lynn parcel, which in general is situated closer to the beach, may actually possess greater hazard from high waves and particularly tsunami than the State parcel. State planning efforts for future use of this parcel along with the longer segment of adjacent State coastal land must take into account this potential for and install warning systems.

3.2.2 Flora and Fauna, Wetlands, and Threatened and Endangered Species

Background

Kiholo Bay in general and the vicinity of the project sites in particular have been the subject of several biological surveys. An environmental survey, including biological and archaeological reconnaissance, was conducted as part of planning for construction on the Bakken parcel and the access road that serves this property and others to the north (Juvik 1982). Also in 1982, there was a study of flora and fauna on the Lynn parcel as part of a Conservation District Use Application. Most recently, the Nature Conservancy prepared a biological inventory of Kiholo Bay and adjacent lands in an effort to assist in state park planning efforts (TNC: 1993). This section draws from these and other sources as well as fieldwork conducted by the author on both sites in June through August of 1999.

In general, the vegetation of Kiholo Bay is dominated by alien species, especially kiawe (*Prosopis pallida*) trees. Other substantial components near the coast include a number of fairly common plants, particularly the aliens koa haole (*Leucaena leucocephala*), tree heliotrope (*Messerschmidia argentea*), sourbush (*Pluchea odorata*), the Polynesian introductions coconuts (*Cocos nucifera*), milo (*Thespesia populnea*), hau (*Hibiscus tiliaceus*), and the natives uhaloa (*Waltheria indica*) and makaloa (*Cyperus laevigatus*).

Although the several coastal strand ecosystems found in Kiholo Bay are not classified as rare, they are fine examples of native communities. These are dominated by `aki`aki grass (*Sporobolus virginicus*), or pohuehue (*Ipomoea pes-caprae*), or naupaka (*Scaevola sericea*), and are found in limited areas at various places between Mano Point on the southern end of Kiholo Bay and Kapalaoa near the northern end.

The greater Kiholo Bay area (from Mano Point to `Anaeho`omalua Bay) also includes rare native biological resources. The TNC study revealed three types of rare natural communities, one rare plant, and six rare animals. Their distribution and their relation to the proposed exchange parcels as mapped by TNC are illustrated in Figure 5.

Anchialine pools are the most important of the rare natural communities. Some open, low salinity pools occur along the coast, and low salinity lava tube pools are also present. These pools are inhabited by various aquatic plants and invertebrates and are sensitive to disturbance. In addition there is a rare subterranean terrestrial community type in Kiholo that to date has been documented from only one cave in Hawaii. The biology in this cave is dominated by a new species of cave-adapted planthopper in the genus *Oliarus*.

Only one rare plant, maiapilo (*Capparis sandwichiana*), has been reported in the Kiholo Bay area. Three locations with a number of individuals are known (none near the project sites).

Rare animals include four that have been listed as endangered or threatened species by the U.S. Fish and Wildlife Service (USFWS). Green sea turtles (*Chelonia mydas*) are common foragers in Kiholo Bay but do not nest on its beaches. Foraging habitat is also present for Hawaii's only land mammal, *Lasiurus cinereus semotus* (the `ope`ape`a or Hawaiian hoary bat), which adapts easily to disturbed vegetation. Two birds, the black-necked stilt or ae`o (*Himantopus mexicanus knudseni*) and the Hawaiian goose or nene (*Nesochen sandvicensis*), are also present. Two rare invertebrates are candidates for

listing: the anchialine pool snail *Neritilia hawaiiensis*, and the `opae `ula (*Metabetaeus lohena*), a tiny red shrimp.

Flora and Fauna on the Project Sites

The vegetation on the State parcel is dominated by kiawe trees and alien grass (Fig. 3f). Just a few individuals of the common native *uhaloa* are also present. No natural communities, as mapped in the TNC report, are present here. No listed, candidate or proposed endangered animal or plant species were found, although the Hawaiian hoary bat might forage in the area, as it does throughout Kona. In terms of conservation value, no botanical or zoological resources requiring special protection are present.

The Lynn parcel contains a low salinity anchialine pool on its northern edge, a rare and valuable native community that also supports rare fauna (Fig. 3b). Some naupaka, makaloa and other native strand and aquatic plants are also present. A lava tube cave identified as a rare natural community is also present directly mauka of the site. Over the rest of the site the vegetation is similar to that of the State parcel (Fig. 3b). As with the State parcel, the Hawaiian hoary bat might forage in the area. The green sea turtle is frequently seen offshore.

Impacts and Mitigation Measures

It is unlikely that any adverse impact at either parcel upon potential foraging habitats for bats would result from the proposed project, as there is only very minor vegetation alteration proposed. Green sea turtles frequent the nearshore area and may use the beaches near the Lynn parcel, but the project is unlikely to have much impact on these areas, because they are readily accessible and used already by residents and visitors to Kiholo Bay.

At the State parcel there are no native ecosystems or threatened or endangered plant species, and no adverse impacts would occur as a result of land exchange and the limited amount of clearing and improvements that are proposed.

State control of the Lynn parcel has the potential to promote optimum management of the native ecosystems associated with the anchialine pool and the lava tube cave.

With respect to the future development of the Lynn parcel as a focus area for public recreation, the TNC report (p. 30) cited recreational overuse, along with feral ungulates and alien weeds, as a general threat affecting the native elements of the biota. They listed reduction of vehicular traffic in the shoreline, regulation of hikers and campers, and maintaining trails that avoid sensitive areas as actions that could minimize these threats.

State planners are aware of these considerations and are expected to adopt such measures as part of management policy for the recreational lands or park, should it be developed.

3.2.3 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in the Kona is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that persistently blankets the district. Drier areas experience blowing dust, especially during construction in high wind episodes.

Noise on the site is very low and is derived mainly from natural sources (waves and wind) along with limited contributions from automobiles and residential sources.

The area shares the quality of scenic beauty along with most of the Kona coastline. The Hawaii County General Plan contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment. The Plan specifically mentions Kiholo Bay (Hawaii County Planning Department 1989: 36).

Impacts and Mitigation Measures

Activities on the State parcel would not generate on-site or off-site impacts to air quality, noise, or scenic value. The proposed caretaker's cottage would not be visible from the coastline and would not interfere with coastal views from inland vantage points, because its backdrop would be the already developed Bakken property.

The transfer of the Lynn parcel to State control would not in itself generate any additional on-site or off-site impacts to air quality, noise, or scenic values. As discussed above, this EA does not cover specific facilities or activities that might occur on the Lynn parcel once it comes under the control of the State of Hawaii. Additional compliance with Chapter 343, HRS or laws and regulations governing activities in the Conservation District may be necessary.

3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on onsite inspection and information on file, it appears that the site contains no hazardous or toxic substances and exhibits no other hazardous conditions. In order to ensure that construction-related damage is avoided or minimized, the following will be implemented:

Mitigation Measure: Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; and construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean.

3.3 Socioeconomic and Cultural

3.3.1 Land Ownership and Land Use, Designations and Controls

Existing Environment

Property ownership is described in Section 1.1, above.

Both the Lynn parcel and the State parcel, along with all of Kiholo Bay makai of Queen Kaahumanu Highway, are contained within the State Land Use Conservation District, Resource Subzone. County zoning for both parcels is Open. Both parcels are within the Special Management Area.

Construction of a single-family home within such designation is permitted if a Conservation District Use Permit and a Special Management Area Use Permit or exemption are obtained (see letter from Goldstein to Uchida, Jan. 7, 2000, in App. 1B, for determination of exemption). This Environmental Assessment is part of the process for obtaining these permits. The consistency of this aspect of the project with the regulations and policies of the Conservation District and Special Management Area are discussed in Section 3.7. Issues related to future use of the Lynn parcel are discussed below.

3.3.2 Socioeconomic Characteristics

Existing Environment: Social Characteristics and Recreation

The project site is within the ahupua'a of Pu'uwa'awa'a in the North Kona District of the island of Hawaii. The dry northern half of North Kona, often called Kekaha, is very sparsely populated. Most settlement has been mauka, where higher rainfall makes ranching and farming possible. Coastal Kekaha has undergone increasing resort development, including the low-key Kona Village Resort, the new Hualalai Resorts complex, and additional resorts under construction or planned at Kaupulehu, Kohanaiki, Ku'a Bay and Kuki'o. Major recreational areas nearby include Hapuna Beach State Park, the privately maintained facilities at Waikoloa Beach, and Kekaha Kai State Park, a complex of coastal recreational sites in its early stages of development.

Other parts of Kona have experienced high rates of growth associated with the booming visitor industry in West Hawaii. Population has grown rapidly in all of West Hawaii and particularly in North Kona, where the number of inhabitants increased from 4,832 in 1970 to 25,447 in 1990 (DBEDT 1997).

Population in Kiholo Bay has not been monitored as part of census data, but about a half dozen homes are present, occupied by residents, caretakers or vacationers. The homes enjoy access to one of the most pristine and spectacular coastal areas in the State of Hawaii.

Impacts and Mitigation Measures

The proposed land exchange would increase the number of homes in Kiholo Bay by one, and other than recreation (covered in Section 3.3.3, below), there are no socioeconomic impacts.

3.3.3 Recreation

History and Current Recreational Use

Although there are thousands of acres of State land at Kiholo Bay, these lands were difficult to access (except by boat) until the development of the Queen Kaahumanu Highway in the 1970s. The only road to Kiholo Bay was a rocky track that led five miles makai from Pu'uwa'awa'a Ranch, which exercised grazing leases on the State land.

Today, vehicular access to Kiholo Bay is via a high-quality unpaved road that extends about one mile from Queen Kaahumanu Highway to near the coast before branching out to access properties to the north and south (see Fig. 1). Access on the road is controlled by locked gates. One gate is located on the access road just makai of the state highway. The north and south road spurs also have locked gates. The main road extends directly to the coast, where it allows access to a rough track along the beach. The State land can also be accessed on foot, and many users park on Queen Kaahumanu Highway (at either the main access road or on the old access road) and then walk the mile to Kiholo Bay. Access via the shoreline trail, the Ala Kahakai, is also possible. The nearest public vehicular access to the trail is at Waikoloa, about five miles north.

The State land fronting Kiholo Bay is used informally by the public for camping and recreation. Use is somewhat limited because of the locked gates. Even so, it is common for several dozen people per day to visit Kiholo Bay, and on weekends and holidays there are often more. In the absence of developed facilities, programs and personnel, problems of trash, human waste and inappropriate treatment of natural and cultural resources is common. Currently, the Lynn parcel is informally used by Kiholo Bay beachgoers who are unaware or unconcerned with the boundaries of the private parcel. The State parcel, which

is dry and rocky and lacks recreational value, does not appear to receive any recreational use.

State Park Planning

Recognizing the high demand among both visitors and residents for coastal wildland recreation in West Hawaii, the State of Hawaii initiated conceptual planning for a Kiholo Bay State Park in 1995 (Martha Yent DLNR, pers. comm. 1999). In the words of John Clark, who conducted a survey of recreational use as part of the planning efforts:

“During the past ten years, ocean recreation has become a major industry in Hawai'i. Interest in all ocean-related sports has escalated, greatly increasing the numbers of recreational and commercial participants. The visitor industry is also taking an interest in ecotourism, which if seriously pursued, will mean more people swimming, snorkeling, hiking and so on, in areas that presently see few if any visitors. The escalated interest in ocean-related and environmental activities has taxed existing resources and led to demands for more public rights-of-way to the beach, more beach parks, and more park facilities” (Clark 1996:28).

One potential configuration would have the park extend along eight miles of coastal frontage and encompass about 4,500 acres. Noteworthy features suitable for recreation and or preservation and interpretation include a number of anchialine pools, a historic coastal trail (the Ala Kahakai), various archaeological features, and of course, the beach and nearshore waters. The park would satisfy recreational demand, help preserve natural and cultural features, and maintain open space in the fast-developing resort region between Kailua-Kona and Kawaihae.

In his study of recreational resources and opportunities at Kiholo Bay, Clark determined that sunbathing, surfing, snorkeling and scuba diving, windsurfing, kayaking, fishing, camping, hiking and other recreational opportunities exist (Ibid.). Development of facilities could greatly expand potential use. The sensitive natural and cultural resources of Kiholo Bay would require active management to prevent deterioration.

It should be emphasized that the park is in its initial, conceptual stages of development and may not take shape for many years, if ever.

Other Recreational Use

Given the uncertainty of short-term development of State Park facilities at Kiholo Bay, individuals and groups with interest in coastal recreation have proposed other means of opening it up for recreation while still safeguarding the sensitive historic and cultural resources and leaving the way open for future park development. The most basic idea,

urged by members of the public over the last decade, is for the State to open up Kiholo Bay for unrestricted access by developing a public roadway and minimal facilities. Another model that has arisen out of ahupua`a planning efforts by the group Ka `Ahahui O Pu`uwa`awa`a is to lease a large extent of State land in the Pu`uwa`awa`a ahupua`a, including the coastal frontage, to a non-profit group that would caretake the resources.

Ala Kahakai and Kiholo-Huehue Trails

The Ala Kahakai trail, which extends as a walking trail around the island near the coast, passes makai of the Lynn parcel on the `ili`ili backshore and also passes makai of the most shoreward point of the State parcel (see Fig. 1). Legislation currently before the U.S. Congress would include the Ala Kahakai in the National Historic Trails system. The Huehue-Kiholo Trail also terminates near the makai edge of the proposed State parcel and extends diagonally across the slope to the Huehue Ranch area (see Fig. 1 for the location of both trails).

Impacts and Mitigation Measures

The proposed project would convey to the State of Hawaii land and property with existing recreational use and potential for greatly expanded recreational use, in exchange for land with no current and limited future recreational value. This would bring both benefits and responsibilities to the State.

First of all, State ownership of the Lynn parcel involves assumption of both the assets and liability for the land and real property (the Lynn home and associated improvements). The Lynn home was purchased "as-is" by the Bakkens and there has been no professional evaluation of the structural quality of the home. The home was constructed with approval from the Hawaii State Board of Land and Natural Resources under Conservation District Use Permit HA-1500. It was built in 1986 in conformance with professional architectural specifications and was inspected by the County of Hawaii (see App. 3 for Building Permit). The home appears to be in generally good shape. The finalization of the land exchange will include a professional appraisal that will determine the value of the home and property.¹

The project has the potential to facilitate plans for State Park development, particularly if the State wished to incorporate the Lynn home infrastructure as a visitor center, restrooms, maintenance facility, science center, or similar operations. However, as some State officials have expressed (see App. 1), given the low priority and lack of funding for development of

¹It should be emphasized that the value of the Lynn home and parcel have been conservatively estimated at more than three times the value of the State property sought in exchange (see Section 1.3)

a State Park at the current time, the Lynn parcel may represent something of a liability as well as asset in terms of State Park planning.

The exchange would complement and support efforts to have a non-profit organization lease and manage State lands at Kiholo Bay. This project has the potential to provide restroom facilities and a residence for a caretaker, which could allow the State to open up Kiholo Bay for public access while still safeguarding its important and sensitive cultural and natural resources. This would provide the benefit of quickly promoting more access to recreational facilities and benefit the social environment of North Kona and the Big Island in general.

If the State acquires the Lynn parcel without plans for use or maintenance of the Lynn home, there is a potential for vandalism, unauthorized use including squatting, or other problems.

Regardless of how the State manages the Lynn parcel in the future, it should be emphasized that the project has the potential to add recreational land and facilities to the inventory of State recreational resources. One particularly useful aspect of the exchange (see Fig. 1) is that the gate that currently blocks access on the private road to the Lynn parcel and the Luahinewai parcel to the south could be relocated southwest of the Lynn parcel, opening up the access road to the most useful State coastal frontage. This would allow access to beachfront recreational areas, eliminating the need for vehicular use of the beach itself, which currently causes damage to the beach (Fig. 3d), to strand ecosystems, to archaeological features (such as the prehistoric canoe shed- Fig. 3d), and to the general recreational quality of the area.

It is recognized that preservation and reconstruction of all portions of the Ala Kahakai Trail and access along it is of vital interest for the State and federal governments and also for recreational users. The proposed land exchange would have no effect on land occupied by the trail or the use of the trail, or on the Huehue-Kiholo Trail.

Although the trail will not be affected by the proposed action, the Hawaii State Division of Forestry and Wildlife Na Ala Hele Program has requested assistance in making the trail more visible to and useable by hikers.

Mitigation Measure: The applicant agrees to clear vegetation and purchase and install appropriate signage as approved by Na Ala Hele for a portion of the Huehue-Kiholo Trail between the access road to the north end of Kiholo Bay and the shoreline.

3.3.4 Archaeology, History and Culture

Cultural Setting and History

According to the historian Marion Kelly (1996), from whom the history recounted below is principally drawn, the prehistory of the hot, dry Pu`uwa`awa`a ahupua`a is not well known. Historic-era lava flows have covered much of the surface area, and 19th century the introduction of organisms such as cattle, goats, lantana and fountain grass destroyed much of the original vegetation. Water is scarce throughout the district, and settlement was limited. The residents of the uplands probably traded sweet potatoes for seafood with those who lived in fishing villages.

At Kiholo Bay, the major area of settlement was probably near the fishpond on the north end of the bay. Lava tube caves housed vital springs or were used for shelter and burial. Kiholo was the most important fishing village on coast of Pu`uwa`awa`a and the abode of powerful chiefs who were related to Kamehameha and aided his ascendancy to power. The ancient royal fishpond was extensive and well-engineered. It was reportedly rebuilt under the oversight of Kamehameha's haole counselor John Young in order to support the chief's move back to Hawaii from Oahu in 1810. The 83,000 acres in the Pu`uwa`awa`a ahupua`a were claimed in the Mahele by Kamehameha III and became Crown Lands though changes in the Hawaiian Kingdom legislature. In 1893 when the legitimate Hawaiian government was overthrown, such Crown Lands became Public Lands. They are now most commonly referred to as "ceded lands". No kuleana awards were made here, as fishing and not farming was the mainstay at Kiholo and the restrictions of the Kuleana Act of 1950 made awards to fishermen difficult.

In 1894, Robert Hind Jr. acquired a ranching lease on 40,000 acres in Pu`uwa`awa`a. This was the beginning of the large scale cattle ranching that still takes place today in the uplands around the great cone for which the ahupua`a is named. It also marked the beginning of land acquisition for the Hind family, which eventually acquired a number of land grants at Kiholo Bay, where cattle were driven for loading into ships. At its heyday, the ranch had 15,000 head of cattle on 127,000 acres. Many relics of the cattle era in at Kiholo Bay exist in various places, including the salt pens and cattle enclosure on the Lynn parcel (see below). After 1940 the ranch was gradually diminished. Trucks to Kawaihae replaced cattle drives to Kiholo Bay, and the land grants were mostly sold off to various private parties.

According to local informants, ongoing cultural uses of Kiholo Bay include fishing and gathering of marine resources, as well as visits to the former royal fishpond, anchialine ponds, caves and other cultural sites. No specific cultural sites - other than the Huehue-Kiholo Trail - or cultural uses have been identified on or near the nine-acre State parcel.

No adverse impact to cultural practices or sites is expected to occur as a result of the project. The Huehue-Kiholo Trail (as well as the Ala Kahakai Trail) is outside the area to be disturbed and will not be affected. The opening of the Lynn parcel to public use will bring an anchialine pond back into public ownership and may benefit Hawaiian culture.

Archaeology: Environmental Setting, Impacts and Mitigation Measures

The Lynn parcel was the subject of an archaeological inventory survey in 1982 in association with the Conservation District Use Application for the construction of the Lynn home (App. 4B). Two sites were found: a temporary holding pen for cattle and a series of four concrete evaporation ponds (see App. 4B, p. 14 for site map). The ponds were built by Waldemar Muller in 1920s for a commercial salt-making venture that lasted less than a decade. Both sites were evaluated by the State Historic Preservation Division and determined not to be significant historic resources worthy of placement on the State or National Registers of Historic Places. However, neither site appears to have been disturbed by construction of the Lynn home or subsequent activities. No activities associated with the proposed project would involve disturbance of the Lynn site or any features it contains. If the State proposed activities in the future that do have the potential to disturb possible historic sites at the Lynn parcel, it is assumed that the State will conduct the proper archaeological reconnaissance and/or inventory and mitigation

An archaeological survey of the State parcel was conducted in 1999 by PHRI, Inc. (App. 4A). The primary purpose of the survey was to determine the nature and location of historic site resources. A secondary purpose was to help site the caretaker's cottage and the relocated easement to ensure that no historic site resources that were important for preservation in place would be disturbed, including the Huehue-Kiholo Trail. No sites were found makai of the existing easement, where the proposed caretaker's cottage and associated activities would occur. The survey found 13 sites (7 within, and 6 outside the 9 acres proposed for exchange). They consisted of C-shaped stacked rock structures, modified lava rock overhangs, lava blisters and lava tube shelters. The sites ranged in condition from good to poor. A burial was discovered outside the area proposed for exchange or disturbance. All the archaeological sites were preliminarily evaluated as significant for the information they may yield about history or prehistory. After the archaeological sites were mapped, the relocated access and utility easement has been reconfigured to avoid directly disturbing any archaeological sites. Given the plan to confine disturbance associated with the caretaker's cottage to on or makai of the existing access and utility easement, as well as the redrawing of the proposed location of the new easement, it is believed that no adverse impact to known historic sites would occur. The Hawaii State Historic Preservation Division will review the archaeological survey, and the CDUP will contain conditions related to a preservation plan and additional mitigation, if required.

As discussed in Section 3.3.3, the Ala Kahakai trail passes makai of the Lynn parcel on the 'ili'ili backshore and also passes makai of both the State and Bakken parcels. The Huehue-Kiholo Trail also passes near, but not within, the area proposed for exchange or road construction (see Fig. 1 for the location of both trails). The proposed land exchange would have no effect on land occupied by the trails or the use of the trails.

As a precaution in case of inadvertent archaeological or burial finds, the following mitigation measure is proposed for incorporation as a condition in the CDUP:

Mitigation Measure: A preservation plan for the archaeological sites on the exchange parcel will be developed for approval by SHPD. If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

3.4 Public Facilities and Utilities

Existing Facilities

No public roads, utilities or other facilities are present at Kiholo. The Bakkens were granted a non-exclusive perpetual access and utility easement to their property by the State of Hawaii on May 10, 1989. This physical road also accesses properties on the north end of Kiholo Bay. The nearest public water systems are at Waikoloa, Hualalai Resort and Pu'uwa'awa'a Ranch, each about five miles away. The nearest electrical transmission lines are a 67 KV line about one mile mauka of Queen Kaahumanu Highway. There are no current or projected plans by utility companies, landowners or government agencies to extend utility service to Kiholo Bay.

The Bakken residence utilizes propane generators and desalinated water from an artificial anchialine pond. The Lynn home, which has been occupied very infrequently, has a gasoline generator, and uses nonpotable water for domestic water and bottled water for human consumption. Wastewater is treated at both sites in individual wastewater systems.

Impacts and Mitigation Measures

The relocation of the access and utility easement is permitted under the terms of the grant of the easement. The relocated easement would very slightly lengthen the road distance to the several properties on the north end of Kiholo Bay.

The Bakken home systems would also provide water and power to the caretaker cottage. The Lynn home could continue using its present system or could be converted to a system photo-voltaic system similar to the Bakkens, which is more energy efficient. Kiholo Bay has a large amount of groundwater flow - estimated at up to 7 million gallons per day - a quantity that is essentially undiminished by current rates of consumption, which is measured in tens of thousands of gallons per day. Furthermore, the aquifer could easily supply the demands of any reasonable recreational facility. Wastewater treatment at the caretaker cottage would involve an Individual Wastewater System in conformance with Hawaii State Department of Health rules and regulations.

The current level of public use at Kiholo Bay justifies development of restroom facilities. The infrastructure at the Lynn parcel could be adapted to house such facilities, in the form of composting toilets maintained by the State or caretakers. This would considerably improve the public health aspects of current and future recreational use at Kiholo Bay, and would be a substantial benefit of the project. Again, an Individual Wastewater System in conformance with Hawaii State Department of Health rules and regulations would be necessary to ensure that no adverse impacts to water quality would occur.

In sum, no adverse impact to public facilities or utilities are expected as a result of the project, which could provide substantial benefits. However, it is recognized that if the State proceeds to develop a State Park at Kiholo Bay, water use and wastewater treatment demand would increase. It is again emphasized that any such development, should it be proposed, would be subject to additional environmental impact studies and is not covered in this EA.

3.5 Secondary and Cumulative Impacts

The proposed project will not involve any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. As discussed in Section 3.3.2, coastal Kekaha has undergone increasing resort development, including the Kona Village Resort, the new Hualalai Resorts complex, and additional resorts under construction or planned at Kaupulehu, Kohanaiki, Ku'a Bay and Kuki'o. Major public recreational areas have also been developed, including Hapuna Beach State Park, Waikoloa Beach, and Kekaha Kai State Park. Cumulatively, these project have increased and will continue to increase the ease of shoreline access by providing roads and facilities in areas heretofore generally inaccessible. These projects change the character of the coastal environment, transforming many sites from wilderness to developed, managed recreational spaces. This is expected to increase the demand for and pressure on coastal wilderness or semi-wilderness locations such as Kiholo Bay. The proposed project could

assist in meeting the demand that will be created by the cumulative impact of these projects. Given proper management of resources, no adverse cumulative effects are expected.

3.6 Required Permits and Approvals

The land exchange will require approval from the Hawaii State Board of Land and Natural Resources and the Hawaii State Legislature.

Construction of the caretaker's cottage, accessory structures and the relocated access road will require the following:

County of Hawaii:

Special Management Area Permit (exempt - see App. 1B 1/7/000 letter)
Building Permit
Grading Permit

State of Hawaii

Conservation District Use Permit

3.7 Consistency With Government Plans and Policies

3.7.1 Consistency with Conservation District Rules

The property is in the State Land Use Conservation District, Subzone Limited. Any proposed use must undergo an examination for its consistency with the goals and rules of this district and subzone. The applicant has concurrently prepared a Conservation District Use Application (CDUA), to which this EA is an Appendix. The CDUA includes a detailed evaluation of the consistency of the project with the criteria of the Conservation District permit process, which are contained in Chapter 13-5 of Hawaii Administrative Rules (HAR). The purpose of this chapter is to regulate land use in the conservation district for the purpose of conserving, protecting, and preserving the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

In overview, the proposed subdivision, exchange and development of the additional single-family home is consistent with the purpose of the conservation district by consolidating the environmentally and culturally sensitive Lynn beachfront parcel with other State holdings at Kiholo. The Lynn parcel could be the centerpiece in the expanded public use of Kiholo as a recreational resource. The existing structure could facilitate a residential management presence at Kiholo, whether by a state employee or by a private agency under a lease

agreement with the state to monitor the natural resources and regulate the public's use of this area. This management will promote conserving, protecting, and preserving the important natural resources of the State through appropriate management and use.

The public use of Kiholo Bay is not promoted or monitored at this time. The public has no indication whether they will be allowed to gain access to the bay at various times because of the present locked gates across the access roads. This exchange will allow the public to have access to Kiholo Bay through the Lynn parcel at times established and regulated by the state, whether by a state agency or a private entity under a lease and management agreement with the state. To gain access to the state land at the western end of the bay the public now drive vehicles up and down the beach degrading the ecological, historical and visual qualities of this important coastal resource. A management presence at Kiholo would allow expanded use by the public while at the same time increasing the management of the ecological and historical resources in the area. Composting toilets and other sanitary facilities could be made available.

The project is also consistent with the objectives of the Resource Subzone. The objectives here are to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. The proposed action is consistent with the objectives of this subzone by providing a means for "proper management" while "ensuring sustained use of the natural resources" of the Kiholo Bay area. The improved and regulated access and the management presence will further the objectives of this subzone by allowing for expanded public use of Kiholo Bay, under conditions established by the state and enforced by this management presence. The removal of vehicles on the sand, regulated parking in areas not environmentally or culturally sensitive and the provision of sanitary facilities are but a few examples of what could be accomplished under the proposed action.

3.7.2 Consistency with SMA Objectives and Policies

Because it is located in the Special Management Area (SMA), certain aspects of the project will be subject to an SMA Use Permit. The CDUA must also address the consistency of the project with SMA objectives, which are contained in Chapter 205, Hawaii Revised Statutes (HRS). Among the many objectives and policies of the CZM program, the following are relevant to the action:

- Providing coastal recreational opportunities accessible to the public;
- Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture;
- Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources;
- Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems;
- Improve coordination and funding of coastal recreation planning and management;
- Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;
- Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
- Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
- Encouraging expanded public recreational use of County, State, and Federally owned or controlled shoreline lands and waters having recreational value;
- Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
- Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources;
- Encourage those developments which are not coastal dependent to locate in inland areas;

The proposed project is highly consistent with the objectives and policies listed above. The quality of and access to the coastal scenic and open space resources will be preserved and improved by providing at the Lynn parcel a unique opportunity for better regulation and management. The proposed facilities at the State parcel will be located away from the shoreline in a non-sensitive area that will not damage coastal zone resources.

PART 4: DETERMINATION

The proposed project will not significantly alter the environment and impacts will be minimal. Therefore, it the Hawaii State Department of Land and Natural Resources has issued a Finding of No Significant Impact (FONSI), and an Environmental Impact Statement is not warranted.

PART 5: FINDINGS AND REASONS

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

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resource would be involved, committed or lost. The State parcel does not contain or support rare or otherwise valuable native species or ecosystems. No archaeological or cultural sites will be disturbed.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur. There are currently no beneficial uses of the State parcel. The public acquisition of the Lynn parcel will enable beneficial use and preservation of valuable shoreline, anchialine pool and lava tube cave resources.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State's long term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies. It supports the goals of the State environmental policy by conserving the valuable natural resources found on the Lynn parcel, by preserving and maintaining scenic, historic and recreational shorelines, and in general, by promoting conditions in which man and nature can exist in productive harmony.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will have a beneficial effect on the economic and social welfare of the Kona and Island of Hawaii community
5. *The proposed project does not substantially affect public health in any detrimental way.* The project will not affect public health and safety in any detrimental way. Wastewater will be treated in conformance with all rules and regulations of the Hawaii State Department of Health to ensure no detrimental impact to water quality.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* No secondary effects are expected. Subsequent development of the area for public recreation, if the State chooses to engage in this, may engender other environmental effects, but these would be addressed in a separate environmental document at the appropriate time.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign, and it would thus not contribute to environmental degradation.

8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The State parcel supports almost entirely alien vegetation and fauna. No rare, threatened or endangered species of flora or fauna are known to exist on the State parcel, and none would be affected by any project activities. The Lynn parcel, which does contain rare ecosystems and species, would come under the protection of the State as a result of the project, providing (potentially) a beneficial impact to such ecosystems and species.
9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The project is not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions.
10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels.* No substantial effects to air, water, or ambient noise would occur. Brief, temporary effects would occur during construction of the caretaker's cottage would occur, but these will be mitigated.
11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Although the proposed project is located in zone exposed to flood damage, earthquake and volcanic hazard, there are no reasonable alternatives that would avoid such exposure. All construction will adhere to the Uniform Building Code and Chapter 27, Flood Control, of the Hawaii County Code.
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* Views of Kiholo Bay from Queen Kaahumanu Highway, which are cited in the Hawaii County General Plan, will not be affected by any aspect of the of the proposed project.
13. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction and other activities associated with the project.

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

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APPENDIX 1A

COMMENT LETTERS

FROM AGENCIES AND ORGANIZATIONS

IN RESPONSE TO PRE-CONSULTATION



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 821
HONOLULU, HAWAII 96808
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Aug 5 2 11 PM '99

STATE OF HAWAII
LAND DIVISION
HONOLULU, HAWAII

Suspense Date: August 31, 1999

PSF No.: 99HD-185

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
Location: Kiholo, North Kona, Island of Hawaii
Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
Type of Disposition: Land exchange
Requestor: Mr. Earl and Mrs. Doris Bakken

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 10 9 51 AM '99

We are in receipt of the subject request dated June 29, 1999 from Mr. Roy Vitousek on behalf of Mr. and Mrs. Earl Bakken (copy attached). Please review and submit any comments within the time requested above. If more time is required or if you have any questions, please feel free to call me at 587-0386.

If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed: *[Signature]*
Print Name: Harry Yada
Date: 8/2/99

Comments on Proposed Bakken Exchange

1. Although the Hawaii District Land Office does not have a problem with the land exchange in principle, it objects to the acquisition of the existing Lynn home unless it is set aside to another agency for management. Previous such situations have led to significant management problems as the Land Division has limited financial and personnel resources with which to maintain such properties.
2. The division should avoid incurring an obligation for maintenance of existing easements. The areas of the exchange are serviced by two separate partially overlapping easements and the maintenance and liability responsibilities should be resolved to the division's satisfaction.
3. The applicant should be responsible for the coordination and costs in connection with all consolidation and resubdivision actions through the County of Hawaii.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 631
HONOLULU, HAWAII 96809
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999

PSF No. 99HD-185

RECEIVED
AUG 2 2:57
LAND DIVISION

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
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FROM: Eric Leong, Land Agent *EL*

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Type of Disposition: Land exchange
Requestor: Mr. Earl and Mrs. Doris Bakken

We are in receipt of the subject request dated June 29, 1999 from Mr. Roy Vitousek on behalf of Mr. and Mrs. Earl Bakken (copy attached). Please review and submit any comments within the time requested above. If more time is required or if you have any questions, please feel free to call me at 587-0386.

If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed *Andrew M. Monden*

Print Name: ANDREW M. MONDEN, CHIEF ENGINEER

Date: 8/12/99

—Received Aug-30-99 10:14am
Aug-30-99 09:34A

from CCITT G3 → GEO

page 5
P.05

ENGINEERING BRANCH

COMMENTS

Our current projects and programs are not effected by the proposed project.

The project site according to FEMA Community Panel Number 155166 0481C, is located in Zone X, areas determined to be outside 500-year flood plain..



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96806
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999
RECEIVED

PSF No.: 99HD-185

'99 AUG -5 A2:47

FORESTRY & WILDLIFE
STATE OF HAWAII

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
Location: Kiholo, North Kona, Island of Hawaii
Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
Type of Disposition: Land exchange
Requestor: Mr. Earl and Mrs. Doris Bakken

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 10 3 31 PM '99

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If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed *Earl Bakken*

Print Name: _____

Date: 8/9/99

Aug-30-99 09:35A

P.07



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 521
HONOLULU, HAWAII, 96808
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999
RECEIVED
PSF No.: 99HD-185

99 AUG -5 A2:47

FORESTRY & WILDLIFE
STATE OF HAWAII

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
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Department of Planning, County of Hawaii
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If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed *Rodney T. Oshiro*
Print Name: Rodney T. Oshiro
Date: 11 August 1999

CHRISTOPHER J. YUEN
ATTORNEY AT LAW

HILO LAGOON CENTRE, SUITE 108
101 AUPUNI STREET
HILO, HAWAII 96720
TEL. (808)935-4429
FAX (808)935-1844
e-mail: chrisyuenz@hotmail.com

VIA FACSIMILE (808) 966-7593
AND U. S. MAIL

September 24, 1999

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau, HI 96749

Re: Proposed Kiholo Land Exchange

Dear Ron:

You had asked me for my comments about the proposed land exchange in which Earl and Doris Bakken, the present owners of the former Loretta Lynn property at Kiholo Bay, would exchange that 3 acre parcel with the State of Hawaii for approximately 9 acres of state land, almost all of which lies directly mauka of the other Kiholo parcel, where the Bakkens have their residence.

I think that this proposed exchange could be done in a way that is extremely beneficial to the state and the general public. Kiholo Bay is a tremendous recreational resource, is very significant as a marine preserve for turtles, and has great historical value. The 1970 SCORP identified it as an ideal area for a state park, but because of other priorities and funding limitations there has been little or no progress on improving the public use of the area. Today, it is used, enjoyed (and sometimes abused) on an informal basis by many people.

Long-term, I hope that a low-intensity use state park is established at Kiholo, with opportunities for ocean recreation and controlled camping. The Loretta Lynn parcel is a key location because it is on one of the best beaches at Kiholo, astride the logical access to that beach. Its acquisition would consolidate state's ownership in that area. The house could be used for a park caretaker, which would be important if camping is permitted. Public acquisition of this parcel would be very much in the long-term interest of creating a park, and would reduce the potential for future conflicts between a private owner and what will eventually be a very popular spot for public beach access.

In any land exchange, the state must give up something. I am personally not very familiar with the proposed exchange parcel, except for what one can see from the present access road. I have looked at a preliminary archaeological survey map which shows Hawaiian sites on the portion of the exchange parcel that is mauka of the existing access road. My understanding of the Bakkens' plan is that they would like to build a guest house on the portion of the proposed exchange parcel makai of the existing access road, and would like to relocate the access road through the mauka portion of the exchange parcel to create a buffer for their home. I think a guest house sensitively designed under the current CDUA rules would not significantly detract from the ambiance of the area or interfere with the long-term public use of Kiholo. I don't know enough about the proposed road to express an opinion at this point.

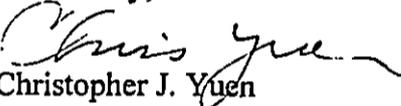
Ron Terry, Ph.D.
September 24, 1999
Page 2

In looking at whether archaeological sites should be in public or private ownership, the two main issues are the physical integrity of the sites--protecting them from harm--and the question of access to the sites. At Kiholo, there are two obvious ways in which the physical integrity of the sites can be protected, even if in private ownership. First, the property is in the Conservation District, and hence, significant development which might damage them would require a permit from the BLNR. Second, to the extent that some future activity harmful to sites might be permitted without a CDUP, there could be a condition placed on the exchange that the Historic Preservation Division would have to approve alterations to the sites. I certainly don't know enough at this point to be able to express an opinion about the level of protection which the sites should enjoy, except that it is always best to try to retain as much as possible.

The relatively open public access to publicly owned archaeological sites has positive and negative aspects. On the one hand, people can get to the sites if they wish. On the other hand, it is more difficult to secure the sites against deliberate vandalism and accidental harm (by people taking rocks for fire rings, shelters, and the like). From the preliminary findings that the sites are C-shapes and simple shelters, these do not seem to be features of the unique quality and importance that should remain in public ownership, as long as there is adequate control of any changes to the physical integrity of the sites. If an exchange is done, consideration should be given to protecting the ability of those who may have a personal or family connection to the sites to visit them.

I'd like to stay involved in this very important and potentially very positive project.

Yours truly,


Christopher J. Yuen

CJY/np
WORD/PB/LTRRT.KIH

APPENDIX 1B

DRAFT EA COMMENT LETTERS

AND RESPONSES

Suspense Date (November 19, 1999

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii

MEMORANDUM

To: William Devick, Administrator *WD*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Permit HA-?

Comments Requested By: Ed Henry-Land Management

Date of Request: 11/4/99 Date Received: 11/4/99

Summary of Project

Title: Single Family Residence & Land Exchange

Proj. By: Earl & Doris Bakken

Location: Kiholo Bay, N. Kona, Hawaii

Brief Description:

The applicant proposes to subdivide and construct a single family residence on a 9-acre portion of State land, and exchange a 3-acre shoreline parcel, abutting Kiholo Bay for the State land.

Comments:

No significant impact adverse to aquatic resource values is expected from constructing the single family residence as the State property is mauka of the existing Bakken residence.

Regarding the land exchange, The Inventory of Public Shoreline Access shows that historical trails to the shoreline converge near Kiholo Bay. Other publications report that many fishermen and campers visit the area, particularly on weekends and holidays. Many boaters anchor off the beach and swim ashore. State acquisition of the shoreline parcel would enhance public access and recreational activities at Kiholo Bay.

An anchialine pond is on the shoreline exchange site and since anchialine ponds are a sensitive issue, it is suggested that a management plan be prepared before the land exchange and not left to be a controversy after approval of the exchange. Also, the existing structures on the property should be protected from vandalism and methods established to remove trash, waste and debris from the area after the exchange.

Precautions should be taken to prevent any contaminants from entering the anchialine pond(s) or Kiholo Bay.

Ron Terry, Ph.D.
HC 2 Box 9575
Keeau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

William Devick, Administrator
Division of Aquatic Resources
c/o Hawaii DLNR Land Division
P.O. Box 621
Honolulu, Hawaii 96809

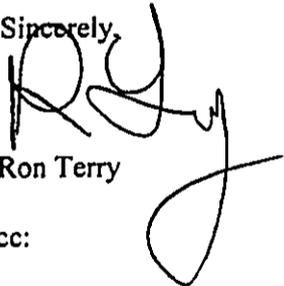
Dear Mr. Devick:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

We received from the Land Division of the Hawaii State Department of Land and Natural Resources your memorandum of November 11, 1999. The agency asked us to include this as a comment letter to the Draft EA, and we are therefore responding to your comments. We agree with your statement that no significant impact to aquatic resource values is expected from constructing the single-family residence on the exchange parcel. Our responses to your individual comments are as follows:

1. *Management Plan for Anchialine Pool Resources.* Currently the anchialine ponds on the Bakken parcel are intensively managed and monitored, and there is an anchialine Pond Management Plan in effect. The designated Pond Manager is Dr. Richard Brock. Regular reports have been filed with State and County agencies. We agree that a management plan for the ponds on the Lynn property may be appropriate if the State acquires the property. The plans should be developed by the State once the State decides how to use the Lynn property. Please see the attached letter by Dr. Brock for detailed observations on the ponds and ideas for such management.
2. *Concerns About Trash, Vandalism, and Debris.* The applicant agrees that active management of the parcel is necessary in order to prevent such problems. This would be implemented by the agency or non-profit group that would work with DLNR to establish policies related to access, use, waste disposal and sanitary facilities and would manage the parcel.

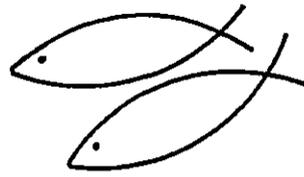
Sincerely,


Ron Terry

cc: Roy A. Vitousek III

attach: Brock letter

Note to Final EA Reader: This letter is referenced in several replies to comment letters but is reproduced only in this location.



ENVIRONMENTAL ASSESSMENT CO.

1820 Kihi Street
Honolulu, Hawaii 96821

11 October 1999

Mr. Roy A. Vitousek III
C/O Cades Schutte Fleming & Wright
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawaii 96740

SUBJECT: Anchialine Pool Report for Lynn Property at Kiholo, North Kona, Hawaii [TMK: (3) 7-1-02:02] and Discussion of Possible Impacts with Further Development Mauka of the Bakken Parcel [TMK: (3) 7-1-02:3]

Dear Randy,

It is my understanding that Dr. Earl Bakken wishes to initiate a project that would exchange a beachfront parcel he owns at Kiholo Bay, North Kona (the 3-acre Lynn parcel) for a non-beachfront 9-acre portion of State lands just mauka of and contiguous with his existing beachfront residence at Kiholo Bay. The objective is to acquire additional property to serve as a buffer surrounding the Bakken residence as well as provide space for a caretaker's residence. The purpose of my assessment below is to provide information that may be of use in facilitating this exchange of parcels.

This letter summarizes the findings made regarding the anchialine resources situated on the Lynn parcel (TMK 3 7-1-02:02) during our site visit on 28 October 1999 as well as discusses possible impacts that may occur to anchialine and groundwater resources with the proposed development of a caretaker's residence inland of the Bakken property (TMK 3 7-1-02:03).

As you know, anchialine pools are landlocked bodies of water with measurable salinities which undergo tidal fluctuation. A major point separating anchialine pools from other coastal brackish water bodies such as tidepools is the fact that they have no surface connections to the sea. They are typically found in porous substrates such as recent lavas and/or limestone adjacent to the sea. Anchialine pools represent a very rare habitat type worldwide and is the only habitat for a biologically unique assemblage of organisms. Probably the single greatest concentration of anchialine pools known is found on the Kona, Hawaii coast. However over the last thirty years this anchialine habitat has become extremely rare with more than 90% of the pools having been overrun by alien fishes that displace some of the native fauna. The presence of predaceous alien species often results in a change in ecological succession which, in turn, leads to the loss of these

important biological resources and decline in the value of the habitat.

Anchialine Resources on the Lynn Parcel

On the 3-acre Lynn parcel there are two anchialine pools; one of these, Waiaelepi Pond is sufficiently well-known to have been named and it is given on the US Quadrangle sheet. Waiaelepi Pond is located behind the basalt sand dune which forms much of the beach at Kiholo Bay. The general orientation of the pool's major axis is mauka-makai and southern edge of the pond is bordered by the Kaupulehu lava flow of 1800-1801. The remaining edges of the pool are formed by an older and lower elevation pahoehoe. The bottom of the pool is a mix of sand, organic mud and cobble; the pool is about 40m in length, approximately 10m in greatest width and no more than 0.75m deep at the time of our visit. Vegetation surrounding this pool today is comprised of Indian pluchea (*Pluchea odorata*), coconut (*Cocos nucifera*), kiawe (*Prosopis pallida*), makaloa (*Cyperus laevigatus*), makai (*Scirpus maritimus*) and oleander (*Nerium oleander*). The aquatic fauna is dominated by schools of small tilapia (probably *Tilapia mossambica*) and guppies (family Poeciliidae). Other species seen include the native prawn or opae'oe'ha'a (*Macrobrachium grandimanus*), the tahitian prawn (*Macrobrachium lar*), dragonfly nymphs (Order Odonata), and the common snail (*Melania* sp.).

About 25m to the northwest is a second smaller anchialine pool. The basin of this pool is approximately circular and it is surrounded by a mix of basalt sand/rubble a'a and pahoehoe. The bottom of this pond is likewise sand, organic mud and rubble and the depth is about 50 cm. Surrounding vegetation includes Indian pluchea (*Pluchea odorata*), makai (*Scirpus maritimus*) and ti plants (*Cordyline fruticosa*). Aquatic species present include dragonfly nymphs (Order Odonata), the snail (*Melania* sp.), guppies (Family Poeciliidae) and small tilapia (probably *Tilapia mossambica*).

The physical configuration of both of these pools has been altered sometime between 1972 and 1985. The studies of the Kona coast anchialine resources carried out by Maciolek and Brock (1974 - Maciolek, J.A. and R.E. Brock. 1974. Aquatic survey of the Kona coast ponds, Hawaii Island. University of Hawaii Sea Grant Program, Honolulu. UNIHI-SEAGRANT-AR-74-04. iii+73p.) was extensive (i.e., the entire coastline) rather than locally intensive in nature. In the Kiholo area they examined five anchialine pools. Their pond number F-2 appears to be Waiaelepi Pond. In 1972 this pond had a salinity close to 1 ppt and was very shallow (depth about 15-20cm) having an organic mud and rubble bottom. The pool was dominated by the stringy green alga, *Cladophora* sp. Aquatic species found included a polychaete worm of the Family Nereididae (subsequently identified as *Namalycastis abijuma*), the snail (*Melania* sp.), unidentified amphipoda and dragonfly nymphs (Order Odonata). Examination of slides show Waiaelepi Pond to be about 20m in length and 8 to 10m in width with long axis having a general mauka-makai orientation. An aerial slide taken in July 1985 shows this same pool to be close in configuration to what it is today. The second smaller pool could not be positively identified from the early information but memory suggests that it was also smaller and very shallow (10cm or so); the same 1985 aerial shows this smaller pool to have a similar configuration as it has today. It is interesting

to note that only one anchialine pond in the general vicinity of the present study contained the characteristic native anchialine shrimp species, the opae'ula or *Halocaridina rubra* in 1972 (Maciolek and Brock 1974). This pool was not identified in the present study.

In summary, the basins of the two anchialine pools on the Lynn property have been modified (increased in size and depth) sometime in the 1972-85 period. Sometime since 1972 alien fishes (tilapia and guppies) have been released into these ponds which lowers their value as viable anchialine habitat for many of the characteristic native crustacean species. In terms of management of the anchialine resource, the alien fishes could be removed from the Lynn anchialine pools thus increasing the value of the habitat for native species. This could be accomplished using the ickythocide, rotenone. Unless there will be an active program of resource management and care for the Lynn property, I recommend that alien fish not now be removed from these ponds. It has been our experience in areas where anchialine pools are in close proximity to the general public, that without active "policing" the public would just quickly reintroduce alien fishes to the previously cleared pools. Thus until such time as management is available, I suggest that the two pools on the Lynn parcel be left as is.

There is another anchialine pool located between the Lynn parcel and the Bakken residence. This anchialine pool is situated in a lava tube and is located just inland of the beach and is known as Keanalele Spring. Close to the beach the roof of this lava tube has collapsed in two places which allows one to see in and/or gain access to the pool. At these locations, the pool appears to occupy most of the lava tube which is 3 to 4 m in width, and about 2-2.5 m in height with the water being from 1 to 1.8m in depth. Apparently the pool continues in a mauka direction filling the lava tube. Visual inspection of Keanalele Spring from the open (collapsed roof) areas for aquatic biota revealed only the snail (*Melania* sp.) and dragonfly nymphs (Order Odonata). Mr. Roy Vitousek noted that he has seen a holehole (*Kuhlia sandvicensis*) in this pool which would explain the absence of the native red shrimp or opae'ula (*Halocaridina rubra*). In 1972 Maciolek and Brock sampled this pool noting a salinity between 3 to 4 ppt, and two aquatic species as being present: the o'opu (*Eleotris sanvicensis*) and the native prawn or opae'oe'ha'a (*Macrobrachium grandimanus*).

Impact of 9-Acre Parcel Development on Anchialine Resources

There are four anchialine pools situated on the 3 acres that comprise the Bakken residence at Kiholo Bay. These pools are maintained by competent staff employed by Dr. Bakken. An annual report detailing all maintenance and management of these pools is given to regulatory agencies as stipulated in the permit conditions that allowed the development of the parcel. No adverse impacts to the anchialine resources on the Bakken parcel have been identified to date. Since the native herbivorous shrimp or opae'ula have not naturally occurred in two of the four ponds since they were first surveyed in 1972, sterile grass carp were put in these pools to control the growth of unsightly algae or limu. The anchialine system on the Bakken parcel appears to be in ecological balance.

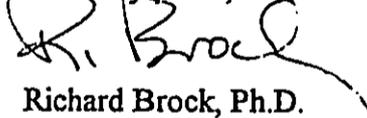
As noted above, it has been proposed that the nine acres directly mauka of the Bakken parcel be exchanged with the State of Hawaii for the 3-acre Lynn parcel. The nine acre parcel is comprised of a gently-sloping, higher elevation prehistoric pahoehoe flow having no anchialine resources present. A caretakers residence and other infrastructure is planned on part of the 9 acres but the majority of the area will not be heavily disturbed. From the standpoint of potential impact to coastal groundwater and anchialine resources, the activities of greatest concern are probably those associated with the movement of nutrients from fertilizers through the lava to the seaward flowing groundwater below which moves makai through the anchialine pools and into the sea. Sewage wastes from the Bakken residence are treated in conformance with Hawaii State Department of Health requirements and the diluted effluent is placed on a leach field utilizing plants such as bananas to remove nutrients. The system not only fertilizes the plants but also serves as a source of irrigation water. It has been in operation since the completion of the residence and has not had any problems. Since the source of freshwater used at the Bakken residence is from the coastal low salinity groundwater which naturally passes makai through the property, there is no net increase in freshwater flow to the sea.

Studies to date demonstrate that no increases in nutrient concentrations have been observed in the anchialine pools or adjacent ocean from the present system (see annual reports submitted to regulatory agencies). The development of a caretaker residence will result in a small increase in the existing sewage load but it will be more than offset by the increase in the leach field area with the proposed increase in landscaping, etc. Thus the increased area of dispersion of treated effluent used as an irrigant decreases the likelihood of these materials being detected in any of the anchialine pools or adjacent ocean.

Although presently well-managed and not accessible to the general public, the four anchialine pools on the Bakken parcel will have a greater buffer if the contiguous 9 acre parcel is added to the present parcel. Careful management and protection of anchialine resources is important especially in consideration of the fact that more than 90% of the Kona coast anchialine ponds have been degraded over the last 25 years by the introduction of alien fishes which render the habitat not suitable for many native species. This loss of habitat directly correlates with greater public access; alien fishes are often intentionally released by the public into anchialine pools to serve as mosquito control or as a source of bait. Thus greater protection afforded by larger buffer areas is a positive step in the conservation of these important resources.

If you have any questions regarding this letter, please do not hesitate contacting me. I sincerely appreciate the opportunity to once again view the Kiholo Bay area anchialine resources. Mahalo!!

Sincerely yours,



Richard Brock, Ph.D.

encl.

12/22/99

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT

DOCARE-18
(Rev. 1/94)

*Received 12/22/99
1-4-00*

SITE VISIT/FIELD INSPECTION REPORT

BRANCH: HAWAII REPORT IS DUE AT DOCARE ADMIN BY: 01/10/00

1. CASE DATA

- a. FILE NUMBER: 2960(B) HA-00/00/00
- b. INITIATOR: EARL & DORIS BAKKEN
- c. LOCATION: TMK:(3)7-1-02:08 Kiholo Bay, Hawaii
- d. SUMMARY: Subdivision of state land, single family residence & improvements
- e. REMARKS: * Contact is Mr. Gregory Mooers, Mooers Enterprises, 885-6839
- f. NARRATIVE: Applicant is proposing the subdivision of a state land parcel, the construction of a caretaker's residence and related site improvements and the realignment of the existing road easement at Kiholo Bay.

LAND DIVISION IS REQUESTING A FIELD INSPECTION.
DOCARE-18 AND RELATED DOCUMENTS SENT TO HAWAII
BRANCH ON 12-22-99.

RECEIVED
DOCARE
HILO, HAWAII
DEC 27 2 25 PM '99

2. INSTRUCTIONS FOR OFFICER

- a. Familiarize yourself with the attached CDUA paperwork, then conduct an inspection as directed by your Supervisor.
- b. Determine if action described in the CDU proposal would have any apparent conflict with any statute, rule, or regulation of which you are aware.
- c. Attach any pertinent photographs and/or information as exhibits. Return original DOCARE-18 Form and all supporting documents to DOCARE Administrative Office (Attn: Investigator).

3. FILL-IN THE FOLLOWING BLANKS:

- a. Branch Report Number (if one is assigned):
HA 00-567
- b. Date Case Referred to Officer: 1/4/00
- c. Date of Site Visit/Inspection: 1/7/00
- d. Had any project work been done? YES () NO

.. "YES," briefly describe the work:

e. Did you detect any discrepancy in the applicant's description of the site conditions/situation? Yes (); No (X). If "Yes," describe:

f. Did you note anything that might be a bar to approval of the applicant's proposal? Yes (); No (X). If "yes," describe (continue on a separate sheet if necessary).

g. General comments, if any. (Along with other observations, you should include opinions on possible impact of the proposal on flora, fauna, archeological and/or historical sites: After completion of the inspection on 1-7-00, 0900 hrs., WRITER found no indication of any construction on the proposed area, TMK (3) 7-1-02:08, Kiholo Bay. Should the necessary building permits be issued, during construction special attention should be made that if any additional archeological sites are discovered, the contractor(s) will cease work immediately and contact the proper agencies.

Michael
Officer's Signature

238
Badge No.

[Signature], 1, 12/00
Supervisor's Signature

Date

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

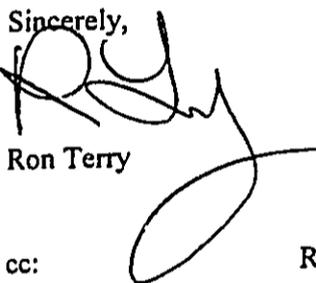
DOCARE (no name given)
c/o Hawaii DLNR Land Management Division
P.O. Box 621
Honolulu, Hawaii 96809

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

We received from the Land Division of the Hawaii State Department of Land and Natural Resources your memorandum that appears to date from January 7, 2000, or later, based on the inspection date listed in Item 3c. The agency asked us to include this as a comment letter to the Draft EA, and we are therefore responding to your comments. We agree with your statement that there is no evidence of construction on the proposed area. Regarding your comment about archaeological sites, we would note that the Draft EA includes a mitigation measure, which is expected to be adopted as a condition of the permit, which states:

If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks

MEMORANDUM FOR THE RECORD

DATE: December 28, 1999

TO: Dean Uchida, Administrator
Land Division

Attn: Eric Leong

FROM: Ralston H. Nagata, Administrator

SUBJECT: Review and Comment regarding Mr. & Mrs. Bakken's CDUA (HA-2960)
for Subdivision of State Land Parcel, Single Family Residence and Related
Site Improvements, and Realignment of Existing Road Easement:
Response to Request for Comments dated December 21, 1999.

Attached please find the Division of State Parks comments dated November 18, 1999.
State Parks comments of November 18, 1999 remain unchanged.

RECEIVED
DIVISION OF STATE PARKS
JAN 4 10 25 AM '00

DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks

MEMORANDUM FOR THE RECORD

DATE: November 18, 1999
TO: Dean Uchida, Administrator
Land Division
FROM: Ralston H. Nagata, Administrator
SUBJECT: Review and Comment regarding DLNR Signing as Landowner for the
Bakken CDUA for Land Exchange and Subdivision at Kiholo Bay, Hawaii.

Thank you for the opportunity to comment on the CDUA for the proposed land exchange at Kiholo. It is State Parks' understanding that the land exchange involves the exchange of a portion of State-owned land (TMK: 7-1-02: por. 8) adjacent to the Bakken residence (TMK: 7-1-02: 3) for the parcel formerly owned by Loretta Lynn and recently purchased by the Bakken (TMK: 7-1-02: 2). It is also State Parks' understanding that land exchange can only proceed in instances where the public will benefit from the exchange.

The Division of State Parks has funded and completed a number of background studies in preparation for developing a wilderness state park at Kiholo Bay. This 4,500 acre coastal lava plain includes 8 miles of Kona's relatively pristine coastline, extensive coastal wildland environment, good swimming beaches, anchialine ponds, the Ala Kahakai - the historic coastal trail, and archaeological and cultural features. Kiholo Bay is one of a number of nodes providing public access to the Ala Kahakai. Kiholo Bay is also a notable foraging area for the threatened and protected green sea turtle. Establishment of a wild coastline park at Kiholo Bay would allow the retention of the natural open space and the open coastal views from the Queen Ka'ahumanu Highway.

Therefore, the Division of State Parks believes that the proposed exchange will benefit the public by providing an opportunity to designate the exchanged Lynn parcel as a State Park Reserve - a first step in establishing the area as a future State Park.

The Division of State Parks would therefore be interested in a scenario where the State exchanges its current unencumbered State lands for the Lynn property with the following understanding and conditions:

- 1) That the acquired property be inventoried as unencumbered State lands and/or be identified as a State Park Reserve;
- 2) That, at the applicant's cost, the existing former Lynn residence be demolished or otherwise, removed from the parcel, a) prior to, or, b) at the discretion of the department, within 10 years of completion of the exchange. (The State Parks Division prefers that the beach front be cleared of unplanned structures, when a park is developed in this area.)

- 3) That, at the applicant's cost, a temporary toilet and a covered rubbish container, shall be installed at the former Lynn parcel for use by the general public and shall be maintained on a weekly basis, at a minimum, by the applicant; such services are to be provided for a minimum of five years unless State resources for such services becomes available sooner.
- 4) That the proposed Bakken caretaker's residence be single story, with finished floor level at or near grade, and of a floor area less than or equal to the existing Lynn residence.
- 5) That, at the Land Division's direction, the applicant shall arrange for periodic public vehicular access through the gate located in the vicinity of Queen Ka'ahumanu Highway, until such time that the department has the resources to assign personnel to this area.
- 6) That these conditions be recorded as covenants to the deed for the State land to be exchanged.

Additional Comment:

State Parks Division also has the following concerns that should be addressed prior to approval of the land exchange.

1. Has the impact to view corridor from the lookout at the Queen Ka'ahumanu Highway, addressed on page 24 of the application, been adequately evaluated ?
2. The choice of plant material and density of planting is of concern, in that the new landscaping should maintain the character of the Kiholo coastal area. State Parks would like to have the opportunity to review and approve the landscaping plan for the exchanged State land.
3. Will the applicant need to import soil to support the planting in the newly landscaped area ? Where will this soil come from and how much will be imported to the site ?
4. How will newly planted areas be watered ? How much water will be required to support the newly planted area on the exchanged parcel ? Will water from the anchialine ponds be used to irrigate the newly planted area ? What are the potential impacts that may result from pumping anchialine pond water ? Have the ponds been "test pumped" to determine the potential draw down and/or change in salinity ? Will pumping change conditions such that the species that inhabit the pond will suffer and/or die ?
5. Development would appear to include grading, and construction of a caretaker residence, and the re-routing of the access easement and road mauka of the exchanged land. What impacts to archaeological sites are likely to occur as a result of the development of the exchanged parcel.

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Ralston Nagata, Administrator
State Parks Division c/o
Hawaii DLNR
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr Nagata:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

We received from the Land Division of the Hawaii State Department of Land and Natural Resources your memorandum of December 28, 1999, that attaches your memo of November 18, 1999, and further states that your comments remain the same. The agency asked us to include this as a comment letter to the Draft EA, and we are therefore responding to your comments. Our responses to your individual comments are below. We have retained the numbering system from your letter for clarity. We would note first of all that current plans call for the Lynn parcel to be managed by the Hawaii DLNR Division of Land Management. A non-profit group is expected to lease the area. This group would work with DLNR to establish policies related to access, use, waste disposal and sanitary facilities. The DLNR will of course determine whether this course of action, or some other management regime, e.g., use as a State Park, is most appropriate.

First Set of Comments:

1. *Acquired Property Should be Inventoried as Unencumbered State Lands and/or State Park Reserve.* Current plans call for the land to be inventoried as unencumbered State Lands.
2. *Lynn Residence Should be Demolished or Otherwise Removed.* We believe that the home is a valuable asset for public use of the area and should be retained at this time. However, if the State of Hawaii decides that it wants the house removed, the applicant will remove the house and dispose of it as the applicant determines appropriate.
3. *Applicant Should Pay for and Manage a Toilet and Rubbish Container on the Lynn Parcel.* The applicant agrees that active management of the parcel is necessary in order to prevent trash and human waste problems. This would be implemented by the agency or non-profit group that would manage the parcel.
4. *Caretaker Residence Should be Single-Story, etc.* We believe that restrictions regarding the residence are better left to Hawaii Administrative Rules 13-5, which govern single-family residences in the Conservation District and with which the applicant will comply.

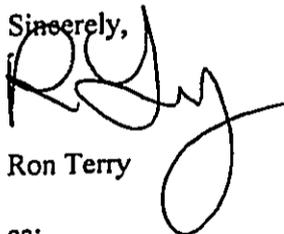
5. *Access.* An important aspect of the exchange is that it allows the basis for responsible management that will allow public access, which would be managed by a non-profit group under terms agreed upon with or specified by DLNR.
6. *Terms by Covenants to Deed.* It is premature to record these terms as covenants.

Additional Comments

1. *View Corridor from Queen Kaahumanu Highway.* As illustrated in Figure 3a of the Draft EA, the Bakken residence itself is not highly visible from the highway, and the caretaker's cottage will be much smaller and less visible. In addition, the caretaker's cottage is located between the existing Bakken home and the access road. Given these facts and the proposed landscaping between the access Road and the cottage, viewplane impacts would be very minor to none.
2. *Choice of Plant Material and Landscaping.* The applicant is agreeable to having State Parks review the landscaping plan. We would note that landscaping is planned only for the area makai of the existing Access Road.
3. *Soil Import for Landscaping.* The landscaping plan will include details on the origin and amount of imported soil.
4. *Watering of Landscape Area.* All water use will be in balance with sustainable use of the water and the health of the anchialine ponds. There is an anchialine Pond Management Plan in effect for the ponds on the Bakken property. The designated Pond Manager is Dr. Richard Brock. Regular reports have been filed with the State and County agencies. No adverse effect from any water use or landscaping has occurred, and there is no reason to believe the additional landscaping will cause any degradation. Please see the attached letter by Dr. Richard Brock for detailed observations about the ponds.
5. *Archaeological Sites.* The Draft EA included an Inventory Survey of archaeological sites. Your Division may wish to consult this. In brief, several archaeological sites are present on the parcel, but development activities, including landscaping, will avoid these areas. A preservation plan meeting the requirements of the State Historic Preservation Division would ensure that no sites will be adversely affected by any aspect of development.

Again, thank you for your comments on the proposed project.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

attach:

Brock letter

Jan-22-00 08:21A

P.03

PHONE (808) 594-1888

FAX (800) 594-1885



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

JAN 7 11 32 AM '00

January 5, 2000

Mr. Dean Uchida, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 821
Honolulu, HI 96809

PA #346

**Subject: Conservation District Use Application (CDUA) for
Subdivision of State Land Parcel, Single Family Residence and
Related Site Improvements, and Realignment of
Existing Road Easement, Kiholo Bay, Hawai'i
TMK: (3) 7-1-02: 08 (por.)**

Dear Mr. Uchida,

Thank you for the opportunity to comment on the above referenced project. According to the CDUA, Earl E. Bakken and Doris J. Bakken seek to exchange certain real property at Kiholo Bay, North Kona, Hawai'i.

The Bakken's parcel of land, identified as TMK (3) 7-1-2:3, will be referred to as "the Bakken property." Mr. Earl E. Bakken recently acquired a three-acre ocean front parcel, TMK (3) 7-1-2:2, previously owned by Ms. Loretta Lynn, will be referred to as the "Lynn property." The State's parcel of land, identified as TMK (3) 7-1-2:8, will be referred to as "the exchange parcel."

The exchange parcel is approximately nine (9) acres in size located south and mauka of the Bakken property. According to the State Land Inventory, the exchange parcel is considered as ceded land, acquired under Section 5B of the Admission Act ("B" Ceded Status).

The Office of Hawaiian Affairs (OHA) has repeatedly opposed any sale or exchange of all ceded lands. OHA has a fiduciary responsibility to ensure that the ceded land trust is not diminished in any way. The protection of ceded lands and the integrity of the ceded lands is of utmost concern to OHA.

Mr. Dean Uchida, Administrator
Land Division
Department of Land and Natural Resources
January 5, 2000
Page Two

Moreover, there are ongoing legal issues regarding ceded lands that have not been resolved. Until such time when determinations are made to these longstanding issues, OHA will remain strongly opposed to the sale or exchange of ceded lands. OHA will continuously challenge any wrongful attempts by the State of Hawai'i to diminish the Ceded Land Trust.

Should you have any questions concerning our comments, please contact Mark A. Mararagan, Policy Analyst at 594-1845. Please refer to the document number at the top of this letter in any future correspondence.

Sincerely,



Colin C. Kippen, Jr.
Deputy Administrator

cc: OHA Board of Trustees
Kona CRS

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

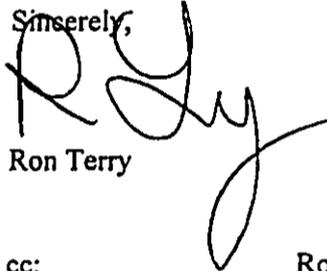
Colin C. Kippen, Jr.
Deputy Administrator
Office of Hawaiian Affairs
711 Kapi'olani St., # 500
Honolulu HI 96813

Dear Mr. Kippen:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of January 5, 2000, commenting on the CDUA/EA for the subject project, in which you note your concerns regarding legal and fiduciary issues related to exchanging ceded land. As representatives of the applicant for the project, we are responding to your comments. The applicant believes that the land exchange is legal, and that the trust will be enhanced and will benefit from the exchange. This is because the Lynn parcel, which will now become part of the ceded land trust, has an appraised value four times greater than that of the exchanged parcel.

Sincerely,



Ron Terry

cc: Roy A. Vitousek III

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

January 7, 2000

Mr. Dean Y. Uchida, Administrator
State DLNR - Land Division
P.O. Box 621
Honolulu, HI 96809

JAN 17 9 43 AM '00

Dear Mr. Uchida:

**Conservation District Use Application
Proposed Subdivision of State Land Parcel,
Single Family Residence and Related Site Improvements,
And Relignment of Existing Road Easement
TMK: (3) 7-1-02:08 (por.)**

Thank you for the opportunity to comment on the above-captioned Conservation District Use Application.

The proposed subdivision of a 9-acre area from TMK: 7-1-02:8, construction of a single family dwelling, and related improvements are exempted from the Special Management Area (SMA) definition of "development." Therefore, a Special Management Area (SMA) Use Permit is not required for the proposed improvements.

Should you have any questions, please feel free to contact Norman Hayashi of this office at 961-8288.

Sincerely,

VIRGINIA GOLDSTEIN
Planning Director

NH: pak
p:\ppl\g\NormUchida\uchida dlr 1-6-00

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

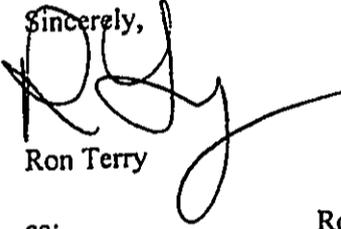
Virginia Goldstein, Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, HI 96720

Dear Ms. Goldstein:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of January 7, 2000, commenting on the CDUA/EA for the subject project, in which you state that a Special Management Area permit is not required for the proposed single family residence and related improvements.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

January 31, 2000

Earl Bakken, c/o Roy A Vitousek III
Cades, Schutte, Fleming, and Wright
75-170 Hualalai Rd. Suite B-303
Kailua Kona HI 96740

Aloha!

As proposed, the Bakken Land Exchange at Kiholo could be a net gain to the State of Hawaii. The public would gain access to a prime recreational shoreline, and with proper planning and oversight, unique biological and cultural resources could be enhanced and protected.

Currently, vehicles drive directly through the keawe trees at the Lynn parcel and at the canoe shelter site onto the beach. They speed around on the beach in circles, compacting the sand, causing a hazard, and damaging fragile natural resources. Basking turtles are harassed, and anchialine ecosystems are damaged.

Currently, the public uses the shoreline extensively, but has no access to toilet facilities. The beach and anchialine pools are subject to pollution by human waste. An outbreak of hepatitis could pose a serious hazard to public health.

Currently, the mauka access gate near the highway is open on an irregular basis. Construction workers and residents have access to a key, but the public does not. When the road is open, cars "cruise" to shore, and an embarrassment of trash accumulates along the shore and roadway.

The Lynn parcel has some important natural and cultural features in addition to the shoreline. Water in the Wailelepi pool is essential to the habitat of rare cave biota unique to the Kiholo area. It is important that vehicular traffic be minimized to protect these features, and that the native ilima (*Sida fallax*) understory be enhanced. The ilima shrub roots grow into the pahoehoe and lava tube subsurface matrix, providing essential habitat critical to the survival of the rare native planthopper (*Oliarus lorettai*).

Lacking in the EA is a discussion of the relationship between the native flora and the associated subterranean species that depend on the flora. Also lacking is a plan to identify essential habitat and ways to protect and enhance it.

I suggest that the following conditions be considered if the Lynn parcel is accepted:

1. Designate the site as a low-impact wilderness park, allowable for public use overnight by permit. Control the number of campers and camping sites, require that all refuse be removed, and restrict tree cutting and open fires.

2. Construct barrier(s) to prevent vehicular traffic from driving on the beach makai of the roadway at the Lynn parcel and near the canoe shelter. Allow vehicles to drive to the parking area near the shoreline, but no further.
3. Fund and construct composting toilets for use by the public.
- 4 Specify a plan to protect and enhance native flora to restore habitat for native fauna.
- 5.. Establish funding for oversight by a caretaker, and interpretive educational materials to educate the permitted campers about the natural and cultural resources.

With regard to the state parcel that would be relinquished:

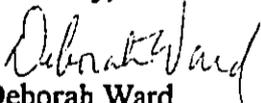
The state land subject to exchange is extremely rich in archaeological sites such as rock shelters, and is bounded on one corner by historic trails. There may be lava tubes that run under the access road; this area has not been adequately surveyed. One floral component not mentioned in the draft EA but essential to subsurface arthropod species is the native ilima (*Sida fallax*). The native flora is capable of recovery if the keawe (*Prosopis* sp.) can be contained.

The EA refers to the proposed structure as a caretaker's cottage. This structure, like the Bakken "residence," burdens the landscape with an excessively large footprint in a conservation zone, and the size of the building should be restricted to 1500 square feet or less. The EA proposes that the area will be heavily landscaped. I would urge that landscaping be confined to planting and enhancement of native xerophytic plants indigenous to the area that require little or no added water and fertilizer. It is important that the natural underground water table not be impacted by above ground activity. All landscaping should be makai of the existing road, and the buffer parcel should not be altered by grading, alteration of historic sites, or landscaping.

The source of water for the proposed building is anchialine pools and brackish groundwater. The process of desalination to provide water for the proposed structure should not adversely impact the natural resources. I would like to know the fate of the salt removed from the brackish water. I would also like to know the quantity of water currently used, and the proposed increase in brackish water withdrawal.

Thank you for your response.

Sincerely,


Deborah Ward
P.O.Box 918
Kurtistown, HI 96760

Ron Terry, Ph.D.
HC 2 Box 9575
Keeau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Deborah Ward
P.O. Box 918
Kurtistown HI 96760

Dear Ms. Ward:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

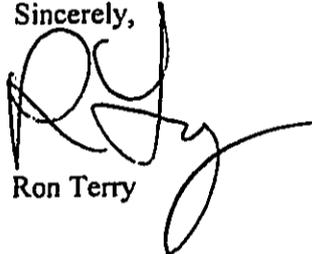
Thank you for your letter of January 31, 2000, commenting on the CDUA/EA for the subject project. Our responses to your individual comments are as follows:

- a. *Observations Regarding Existing Site Problems and Opportunities Offered by the Exchange.* The applicant agrees with your observations concerning the existing problems related to access, abuse of natural resources, waste disposal and sanitary facilities. We see active management by a non-profit group that would work with DLNR to establish policies on these issues and would manage the parcel as a potential solution to these problems and an opportunity to allow beneficial public use of the area.
- b. *Discussions of Relationships Between Terrestrial Vegetation and Cave Biota.* The EA is not intended to be a scientific treatise on the resources of Kiholo Bay, and many aspects of the natural environment are therefore simply mentioned and not analyzed in detail. We would maintain that the exchange represents an opportunity to improve - rather than degrade - the protection afforded all manner of natural resources on the site.
- 1-5 *Low-Impact Wilderness Park, Barriers to Prevent Vehicular Traffic on Beach, Composting Toilets, Enhancement and Restoration Plans for Native Flora, and Caretaker Oversight.* The applicant basically agrees with all your suggestions and would encourage these items to be considered as part of the management plan discussed above.
- c. *Archaeological Sites.* Several archaeological sites are present on the exchange parcel, but development activities, including landscaping, will avoid these areas. A preservation plan meeting the requirements of the State Historic Preservation Division would ensure that no sites will be adversely affected by any aspect of development.
- d. *Lava Tubes Under the Access Road.* The archaeological inventory survey included a thorough search for lava tubes that might be affected by the rerouted access road. Lava tube systems were identified north and south of this area. None were discovered in the area that would be affected by the project, although there is always a possibility that such tubes exist but are not accessible or visible.

- e. *Caretaker's Cottage.* We believe that restrictions regarding the residence are better left to Hawaii Administrative Rules 13-5, which govern single-family residences in the Conservation District and with which the applicant will comply
- f. *Landscaping and Water Use.* The suggestions to landscape with native xerophytic plants indigenous to the area with little or no added water will be considered by the applicant. All water and chemical use will be in balance with sustainable use of the water and the health of the anchialine ponds. Mr. Bakken has contracted professional monitoring of his pond and nearshore water quality continuously for many years and filed reports with the Hawaii State Division of Aquatic Resources. No adverse effect from any water use or landscaping has occurred, and there is no reason to believe that additional landscaping will cause any degradation. In answer to your inquiry about water use, the reverse osmosis system pulls about 9,000 gpd out of the manmade pond. The system creates about 10 gallons per minute of potable water and returns 27 gallons per minute of brine into another pond. The majority of the water is for irrigation, using a mixture of about 65 percent potable and 35 percent raw water. Domestic use is approximately 150-200 gpd. Another use is for the non-chlorinated swimming pool. The irrigation water, less evapotranspiration, returns to the ground water. Treated grey water is disposed of on a leach field (a banana grove). We would note that hydrologists estimate a flow of over 7 million gallons per day per mile of shoreline in the Kiholo Bay area. Any household use is negligible in this context. When coupled with the recycling of treated wastewater, this does not increase salinity or cause any adverse effects. The increase in water use will be small - on the order of 15 percent - and will have negligible effect on groundwater levels. Please see the attached letter by Dr. Richard Brock for information on the regular monitoring of water quality.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,



Ron Terry

cc: Roy A. Vitousek III

attach: Brock letter

Mr. Ed Henry
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Henry:

Jan 29, 2000

I am writing this letter regarding the proposed land exchange at Kiholo Bay, North Kona.

I am an advocate of state wide beach access and preservation and have been active over the past three years in a number of shoreline issues here in West Hawaii. My family and I frequent Kiholo Bay and I am quite familiar with the area.

I have reviewed the draft environmental assessment for the proposed land exchange and would like to offer the following comments and suggestions:

I believe this exchange would greatly benefit the public as it would provide improved beach access.

The house on the Lynn parcel should be preserved for future use as a possible caretaker's cottage or cultural and educational center.

A public parking area should be established on or near the Lynn parcel to keep cars or trucks away from any sensitive archeological sites, native plants and the sand dunes along the beach. These dunes provide a buffer to the high surf and are important to the beach and coastal processes at Kiholo Bay.

I respectfully ask the State to approve this land exchange and Conservation District Use Application as the public has much to gain.

I would also like to see a State Park established at Kiholo Bay.

Thank you for your time and consideration of this matter.

Sincerely,


Michael Varney

RECEIVED
DIVISION OF
LAND MANAGEMENT
JAN 31 10 14 AM '00

P.O. BOX 2891 KAMUELA, HI 96743

Ron Terry, Ph.D.
HC 2 Box 9575
Kaaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Mike Varney
P.O. Box 2891
Kamuela HI 96743

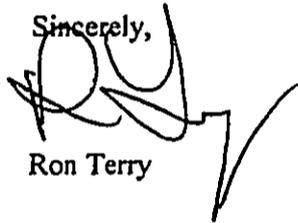
Dear Mr. Varney:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of January 29, 2000, commenting on the CDUA/EA for the subject project, in which you outline the reasons you support the land exchange. As representatives of the applicant for the project, we are responding to your comments. In regard to the Lynn house, we agree that it represents a valuable asset that should be preserved. We also support the idea of a parking lot and barrier that can afford access to the shoreline areas while preventing unnecessary vehicular traffic on the beach. We appreciate your support for the project.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,



Ron Terry

cc: Roy A. Vitousek III



MOKU · LOA · GROUP

SIERRA CLUB · HAWAII CHAPTER

February 3, 2000

Earl Bakken, c/o Roy A. Vitousek III
Cades, Schutte, Fleming and Wright
75-170 Hualalai Rd, Suite B-303
Kailua-Kona, HI 96740

Dear Mr. Bakken:

The Moku Loa Group- Sierra Club Conservation Committee would like this opportunity to respond to the Draft Environmental Assessment for the Bakken Land Exchange at Kiholo Bay, Island of Hawaii.

As proposed, the Bakken Land Exchange at Kiholo would be a net gain to the State of Hawaii. The public would gain access to a prime recreational shoreline, and with proper planning and oversight, unique biological and cultural resources could be enhanced and protected. The Moku Loa Group recommends the Board of Land and Natural Resources approve the exchange of 3 acres of land known as Lynn parcel for 9 acres of State of Hawaii land, at the request of the Earl Bakken.

There are currently three issues which need to be addressed as they impact this area adversely. Firstly, vehicular traffic on the beach. Vehicles drive directly through the kiawe trees at the Lynn parcel and at the canoe shelter site at the beach. They speed around on the beach in circles, compacting the sand, causing a hazard and damaging fragile natural resources. Anchialine ecosystems are damaged and basking turtles are harassed.

Secondly, no public toilet facilities available. The public uses the shoreline extensively, but has no access to toilet facilities. The beach and anchialine ponds are subject to pollution by human waste. An outbreak of hepatitis could pose a serious hazard to public health.

Lastly, access to this area is limited and selective and trash is accumulating. The mauka access gate near the highway is open on an irregular basis. Construction workers and residents have access to a key, but the public does not. When the road is open, cars "cruise" to shore and an embarrassing amount of trash accumulates along the shore and roadway.

The Lynn parcel has some important natural and cultural features in addition to the shoreline. Water in the Wailelepi pool is essential to the habitat of rare cave biota unique to the Kiholo area. It is important that vehicular traffic be minimized to protect these features. In addition, the native ilima (*Sida fallax*) understory should be enhanced. The ilima shrub roots grow into the pahoehoe and lava tube subsurface matrix, providing habitat critical to the survival of the rare native planthopper (*Oliarus lorettai*).

Lacking in the EA is a discussion of the relationship between the native flora and the associated subterranean species that depend on the flora. Also lacking is a plan to identify essential habitat and ways to protect and enhance it.

P.O. BOX 1137 · HILO, HAWAII · 96721

We request that the following conditions be considered if the Lynn parcel is accepted:

1. Designate the site as a low-impact wilderness park, allowable for public use overnight by permit only. Control the number of campers and camping sites, require that all refuse be removed and restrict tree cutting and open fires.
2. Construct barrier(s) to prevent vehicular traffic from driving on the beach makai of the roadway at the Lynn parcel and near the canoe shelter. Allow vehicles to drive to the parking area and no further.
3. Fund and construct composting toilets for use by the public.
4. Specify a plan to protect and enhance native flora to restore habitat for native fauna.
5. Establish funding for oversight by a caretaker, and interpretive educational materials to educate the permitted campers about the natural and cultural resources.

With regard to the state parcel that would be relinquished:

The state land subject to exchange is extremely rich in archeological sites such as rock shelters, and is bounded on one corner by historic trails. There may be lava tubes that run under the access road; this area has not been adequately surveyed. One floral component not mentioned in the draft EA but essential to subsurface arthropod species is the native ilima (*Sida falax*). The native flora is capable of recovery if the kiawe (*Prosopis* sp.) can be contained.

The EA refers to the proposed structure as a caretaker's cottage. This structure, like the Bakken "residence" burdens the landscape with an excessively large footprint in a conservation zone, and the size of the building should be restricted to 1500 square feet or less. The EA proposes that the area will be heavily landscaped. We would urge that the landscaping be confined to planting and enhancement of native xerophytic plants indigenous to the area that require little or no added water and fertilizer. It is important that the natural underground water table not be impacted by above ground activity. All landscaping should be makai of the existing road, and the buffer parcel should not be altered by grading, alteration of historic sites or landscaping.

The source of water for the proposed building is anchialine ponds and brackish ground water. The process of desalination to provide water for the proposed structure should not adversely impact the natural resources. We would like to know the fate of the salt removed from the brackish water. We would also like to know the quantity of water currently used, and the proposed increase in brackish water withdrawal.

Sincerely,



Roberta Lynn Brashear
Moku Loa Group Chair

Ron Terry, Ph.D.
HC 2 Box 9575
Kaaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Roberta Brashear, Chair
Sierra Club, Moku Loa Group
P.O. Box 1137
Hilo HI 96721

Dear Ms. Brashear:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of February 3, 2000, commenting on the CDUA/EA for the subject project. Our responses to your individual comments are as follows:

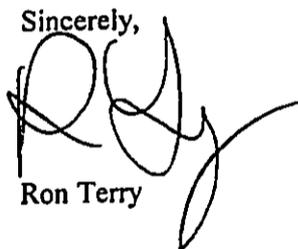
- a. *Observations Regarding Existing Site Problems and Opportunities Offered by the Exchange.* The applicant agrees with your observations concerning the existing problems related to access, abuse of natural resources, waste disposal and sanitary facilities. We see active management by a non-profit group that would work with DLNR to establish policies on these issues and would manage the parcel as a potential solution to these problems and an opportunity to allow beneficial public use of the area.
- b. *Discussions of Relationships Between Terrestrial Vegetation and Cave Biota.* The EA is not intended to be a scientific treatise on the resources of Kiholo Bay, and many aspects of the natural environment are therefore simply mentioned and not analyzed in detail. We would maintain that the exchange represents an opportunity to improve - rather than degrade - the protection afforded all manner of natural resources on the site.
- 1-5 *Low-Impact Wilderness Park, Barriers to Prevent Vehicular Traffic on Beach, Composting Toilets, Enhancement and Restoration Plans for Native Flora, and Caretaker Oversight.* The applicant basically agrees with all your suggestions and would encourage these items to be considered as part of the management plan discussed above.
- c. *Archaeological Sites.* Several archaeological sites are present on the exchange parcel, but development activities, including landscaping, will avoid these areas. A preservation plan meeting the requirements of the State Historic Preservation Division would ensure that no sites will be adversely affected by any aspect of development.
- d. *Lava Tubes Under the Access Road.* The archaeological inventory survey included a thorough search for lava tubes that might be affected by the rerouted access road. Lava tube systems were identified north and south of this area. None were discovered in the area that would be affected

by the project, although there is always a possibility that such tubes exist but are not accessible or visible.

- e. *Caretaker's Cottage.* We believe that restrictions regarding the residence are better left to Hawaii Administrative Rules 13-5, which govern single-family residences in the Conservation District and with which the applicant will comply
- f. *Landscaping and Water Use.* The suggestions to landscape with native xerophytic plants indigenous to the area with little or no added water will be considered by the applicant. All water and chemical use will be in balance with sustainable use of the water and the health of the anchialine ponds. Mr. Bakken has contracted professional monitoring of his pond and nearshore water quality continuously for many years and filed reports with the Hawaii State Division of Aquatic Resources. No adverse effect from any water use or landscaping has occurred, and there is no reason to believe that additional landscaping will cause any degradation. In answer to your inquiry about water use, the reverse osmosis system pulls about 9,000 gpd out of the manmade pond. The system creates about 10 gallons per minute of potable water and returns 27 gallons per minute of brine into another pond. The majority of the water is for irrigation, using a mixture of about 65 percent potable and 35 percent raw water. Domestic use is approximately 150-200 gpd. Another use is for the non-chlorinated swimming pool. The irrigation water, less evapotranspiration, returns to the ground water. Treated grey water is disposed of on a leach field (a banana grove). We would note that hydrologists estimate a flow of over 7 million gallons per day per mile of shoreline in the Kiholo Bay area. Any household use is negligible in this context. When coupled with the recycling of treated wastewater, this does not increase salinity or cause any adverse effects. The increase in water use will be small - on the order of 15 percent - and will have negligible effect on groundwater levels. Please see the attached letter by Dr. Richard Brock for information on the regular monitoring of water quality.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,



Ron Terry

cc: Roy A. Vitousek III

attach: Brock letter

Berkeley F. Fuller
P.O. Box 2739
Kamuela, HI 96743-2739
February 2, 2000

RECEIVED
DIVISION OF
LAND MANAGEMENT
FEB 4 8 54 AM '00

Mr. Ed Henry
Dept. of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

RE: Proposed Kiholo Bay Land Exchange

Dear Mr. Henry:

I presume that you live in Honolulu — i.e. are not a Big Island resident — and therefore may not have as much access to personal, experiential information about our (North Hawaii) community as you would if you lived here. I lived in Honolulu for 16 years, prior to my last ten years as a Waimea (Kamuela) resident, so I thought you might be interested in my viewpoint regarding Earl Bakken's proposed Kiholo Bay land swap.

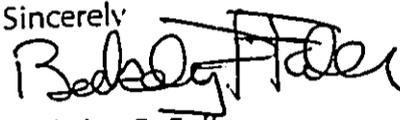
Through my participation in community board and non-project organization activities, I've had opportunities to get to know Dr. Bakken fairly well. After his many accomplishments in business (notably building one of the most successful international business organizations in the world), he "retired" here — with the expressed goal of contributing the remainder of his life to public service, for a community whose beauty, spirit and virtues he loves.

Many people of great wealth are blinded by their own achievements (or good luck), and by the "power" that money can "buy." Not so Dr. Bakken. His humility, gentleness, restraint and constant demonstrated desire to learn and understand Hawaii have been guiding forces behind his tireless work to improve our community's health, economy and life. In particular, I'd like to comment on the intelligent, fair-minded, "win-win" attitude which he brings to every endeavor.

His proposed land swap at Kiholo is just such a "win-win" proposition. Certainly he wants something — the parcel inland of his present property. Unlike in so many land "deals" that happen in our state, Dr. Bakken is being direct and forthright about his request. Refreshing, eh? And certainly this parcel may contain archeological sites. But I can't imagine anyone more sensitive and more interested in doing the right thing with such sites than Earl. He also has the financial resources to support such "correct actions" — something I can't say about our fair state, in its current fiscal dilemma. The other "half" of the swap, opening the Loretta Lynne property to public access, is also a great idea — particularly as our coastline in coming years will fall sway more and more to what I think is a curse on the public, namely limited (and so-called) "public access" to our best beaches — after they have primarily become resort playgrounds for tourists, with a few parking spaces set aside for "the rest of us."

Dr. Bakken has sponsored — not just with financial contributions, but with a very large investment of time and energy — many projects to protect our Big Island environment, animal species and cultures. I hope this letter helps you evaluate this proposed swap in the light of who Dr. Bakken is — a natural (though "adopted") steward of all that is valuable about this special place, North Hawaii. I strongly urge approval of his request.

Sincerely


Berkeley F. Fuller

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Berkeley F. Fuller
P.O. Box 2739
Kamuela HI 96743-2739

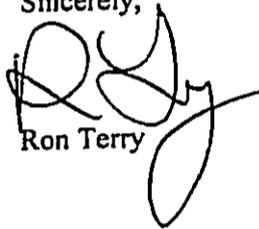
Dear Mr. Fuller:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of February 2, 2000, to Ed Henry of the Hawaii State Department of Land and Natural Resources (DLNR) commenting on the CDUA/EA for the subject project. As representatives of the applicant for the action, we are responding to your comments. We agree with your characterization of the proposal as a "win-win" situation and appreciate your support for the project.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

2-2-00

Ed Henry
Dept of Land & Natural Resources
P.O. Box 621
Honolulu Hi 96809

RECEIVED
DIVISION OF
LAND MANAGEMENT
FEB 3 8 41 AM '00

Kiholo Land Swap.
Earl Babben Proposal.

I have been to Kiholo countless times
over the past 60 years by Boat. Originally
there were no buildings with Mona Heids
Property being the prominent land marks.

Public access is great, provided some-
thing is built in to control Public Misbehavior.
on one occasion I found 2 Prized Coconut
Trees cut down to get the Coconuts. I personally
tried to correct this by giving Billy Mitchell,
a Heid relative several good coconuts I got from
Tahiti. I did the same for Earl Babben.

Land swapping seems attractive. However,
I wonder whether it is legal to swap crown
ceded land for Private Property, however good the
intentions. As a charter member of OHA, I
suggest you get an opinion from that group.

Ron Terry, Ph.D.
HC 2 Box 9575
Keeau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Leon Thevenin
104 Puako Beach Drive
Kamuela HI 96743

Dear Mr. Thevenin:

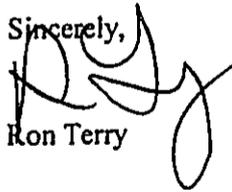
Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of February 2, 2000, to Ed Henry of the Hawaii State Department of Land and Natural Resources (DLNR) commenting on the CDUA/EA for the subject project. As representatives of the applicant for the action, we are responding to your comments. Our responses to your individual comments are as follows:

1. *Concerns About Public Misbehavior, Trash, Vandalism, and Debris.* The applicant agrees that active management of the parcel is necessary in order to prevent such problems. This would be implemented by the agency or non-profit group that would work with DLNR to establish policies related to access, use, waste disposal and sanitary facilities and would manage the parcel.
2. *Advisability of Exchanging Ceded Lands.* The applicant believes that the land exchange is legal, and that the ceded land trust will be enhanced and will benefit from the exchange. This is because the Lynn parcel, which will now become part of the ceded land trust, has an appraised value four times greater than that of the exchanged parcel.
3. *Independent Appraisal.* The land will be appraised in conformance with the requirements of the Hawaii DLNR.
4. *Consultation with responsible Hawaiian organizations.* The applicant has consulted with Native Hawaiians through discussions with various individuals and groups, including the Office of Hawaiian Affairs. This agency has stated its opposition to land exchanges, a position with which we respectfully disagree.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

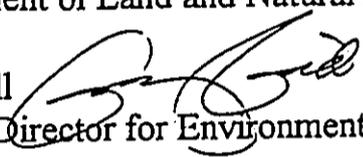
STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:

February 2, 2000

99-264/epo

TO: Dean Y. Uchida, Administrator
Land Division
Department of Land and Natural Resources

FROM: Gary Gill 
Deputy Director for Environmental Health

SUBJECT: CONSERVATION DISTRICT USE APPLICATION

Applicant: Doris and Earl Bakken
File No.: HA-2960(B)
Request: Subdivision of State Land Parcel and Single Family
Residence
Location: Kiholo Bay, North Kona, Hawaii
TMK: 7-1-02: por. of 8

Thank you for allowing us to review and comment on the subject request. We have the following comments to offer:

Wastewater

The subject project is located in the critical wastewater disposal area as determined by the Hawaii County Wastewater Advisory Committee. No new cesspools will be allowed in the subject area.

As there is no existing sewer service system in the area and none will be constructed in the near future, the Department of Health (DOH) concurs with the

FEB 8 1 03 PM '00
DEPARTMENT OF HEALTH
LAND DIVISION
1505 KALANIANA'OLA
AVENUE, HONOLULU, HI 96813



Mr. Dean Y. Uchida
February 2, 2000
Page 2

99-264/epo

proposed use of a treatment individual wastewater system for the proposed caregiver/caretaker residence. Our main concern is that domestic wastewater treatment and disposal is properly handled. All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems," and must be reviewed by the DOH prior to construction.

Should you have any questions, please contact the Planning/Design Section of the Wastewater Branch at (808) 586-4294.

c: WWB

Ron Terry, Ph.D.
HC 2 Box 9575
Kaaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

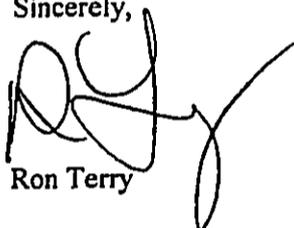
Gary Gill, Deputy Director for Environmental Health
Hawaii State Department of Health
P.O. Box 3378
Honolulu HI 96801

Dear Mr. Gill:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

We received your memorandum of February 2, 2000, to Dean Uchida of the Hawaii State Department of Land and Natural Resources commenting on the CDUA/EA for the subject project. As representatives of the applicant for the project, we are responding to your comments. We note your concurrence with the *proposed use of an individual wastewater treatment system*. Wastewater will be properly disposed of in full conformance with the Department of Health's Administrative Rules, Chapter 11-62. Plans will be forwarded to the DOH prior to construction.

Sincerely,



Ron Terry

cc:

Roy A. Vitousek III



NA ALA HELE
Hawai'i Trail & Access System

February 3, 2000

Ron Terry, Ph.D.
HC Box 9575
Keaau, HI 96749

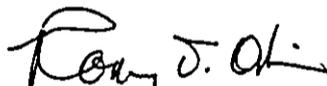
Dear Dr. Terry:

**SUBJECT: Draft Environmental Assessment Bakken Land Exchange
At Kiholo Bay, TMK: (3) 7-1-02: 08 (por) and (02,
Puu Waawaa, North Kona, Hawaii**

The subject Huehue-Kiholo Trail as illustrated on Figure 1, Location Map, Draft Environmental Assessment, passes near the western boundary of the proposed exchange parcel and meets the coastal trail (Ala Kahakai). The proximity of the parcel boundary to the trail will entail sufficient buffers to maintain the trail experience.

As a condition of approval, Na Ala Hele is requesting the applicant to identify and restore that portion of the trail alignment north of where it is intersected by the previous access road to the shoreline to allow for public pedestrian access. The applicant, in consultation with Na Ala Hele, will purchase and install appropriate signage where the trail alignment is intersected by the previous access road and at the terminus of the trail.

Sincerely,


RODNEY T. OSHIRO
Na Ala Hele

cc: Ed Henry, Land Division

Ron Terry, Ph.D.
HC 2 Box 9575
Keeau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Rodney Oshiro,
Na Ala Hele Specialist
P.O. Box 4849
Hilo, HI 96720

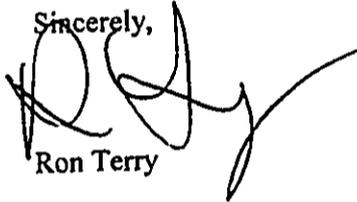
Dear Mr. Oshiro:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of February 3, 2000, commenting on the CDUA/EA for the subject project. We agree that an adequate buffer exists between project activities and the Huehue-Kiholo Trail to ensure that the trail's integrity and feeling will be maintained. Furthermore, the applicant is willing to promote public access and enjoyment of the trail by clearing vegetation in and by purchasing and installing appropriate signage in the area north of the existing access road.

However, we would emphasize that Mr. Bakken agrees to these conditions with the understanding that he will incur no responsibility for any CDUA or permits associated with these off-site activities, should such be necessary.

Sincerely,



Ron Terry

cc:

Roy A. Vitousek III

F I M : P

FAX NO. :

Feb. 04 2000 11:31AM P1

RECEIVED
DIVISION OF
LAND MANAGEMENT
FEB 4 11 37 AM '00

66-1278 Ahuli Circle
Kamuela, HI 96743

February 4, 2000

Mr. Ed Henry
Department of Land and Natural Resources
Box 621
Honolulu, HI 96809

Dear Mr. Henry:

With regard to the proposed land swap by Mr. Earl Bakken, I would like to offer the following comments:

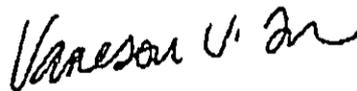
Mr. Bakken has brought much needed financial resources to the North Hawaii Community and the entire Big Island. Although his primary involvement has been with North Hawaii Community Hospital he has also contributed to many other community projects. He has made himself available to visit schools, and talk to students on a variety of subjects in science and history classes. Mr. Bakken is an extremely valuable member of the Big Island Community.

By purchasing the Loretta Lynn Estate and offering it to the State as a land swap, he would be making available a wonderful beach front property to the public. The site could be used in many ways. It could be leased out for short or long term use; it could be used as a school/church/business retreat center. It could be used for educational purposes in general. There are many more ideas which come to mind as to how the State could maintain the property while also bringing in income.

Please do not let this wonderful opportunity slip by. Mr. Bakken is to be congratulated for all his good works. If he needs to have a caretaker living near his house to help care for him as he becomes older, the State should be happy to allow this. We want to keep Mr. Bakken happy and healthy for many years to come.

Thank you very much.

Sincerely yours,



Vanessa V. In
North Hawaii Resident

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Vanessa V. In
66-1279 Ahuli Circle
Kamuela HI 96743

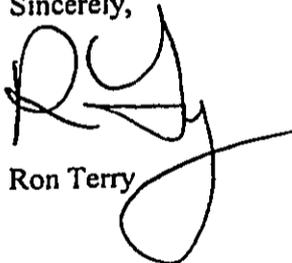
Dear Ms. In:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of January 29, 2000, to Ed Henry of the Hawaii State Department of Land and Natural Resources commenting on the CDUA/EA for the subject project. As representatives of the applicant for the action, we are responding to your comments. Your letter outlines the reasons you support the land exchange. In regard to the Lynn house, we agree that it represents a valuable asset that should be preserved. We appreciate your support for the project.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,



Ron Terry

cc:

Roy A. Vitousek III

RECEIVED
DIVISION OF
LAND MANAGEMENT

FEB 4 8 54 AM '00

To: Ed Henry-DLNR

2/2/2000

Subject: Bakken Seeking Land Swap

Reference: West Hawaii Paper Dated 2/2/2000, Pg-4A

The 9 acres of ceded land mauka of Mr. Bakken's property belongs to the native Hawaiian's. We the native Hawaiian's should be consulted as to how this land swap will be worked out between the state, Mr. Bakken and the DLNR. What I want to know is how will this benefit the native Hawaiian's financially, and when will this be worked out between the people involved.

We need to have some kind of accountability as to how the ceded lands are used.

Tom Roberts
74-213 Iiiloa St.
Kailua-Kona, Hawaii (96740-3304)

CC: Dick Nelson Governors Office, Kailua Kona.

Ron Terry, Ph.D.
HC 2 Box 9575
Kaaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Tom Roberts
74-213 Ililoa St.
Kailua-Kona HI 96745

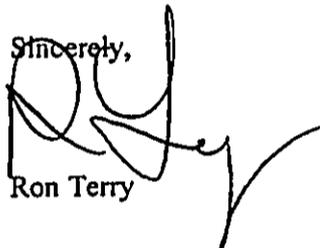
Dear Mr. Roberts:

Subject: . Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

Thank you for your letter of February 2, 2000, commenting on the CDUA/EA for the subject project. The applicant has consulted with Native Hawaiians through discussions with various individuals and groups, including the Office of Hawaiian Affairs. We believe that the exchange will enhance the ceded land trust. This is because the Lynn parcel, which will now become part of the ceded land trust, has an appraised value four times greater than that of the exchanged parcel.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,


Ron Terry

cc:

Roy A. Vitousek III

BENJAMIN J. CAYETANO
GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

February 7, 2000

Dr. Earl Bakken
c/o Roy A. Vitousek III, Esq.
Cades, Schutte, Fleming and Wright
75-170 Hualalai Road, Suite B-303
Kailua-Kona, Hawai'i 96740

Dear Dr. Bakken:

We have reviewed the draft environmental assessment entitled "Bakken Land Exchange at Kiholo Bay" dated October 1999. We offer the following comments for your response.

1. **ALA KAHAKAI TRAIL ACCESS.** Please discuss in the environmental assessment specific measures you will implement to ensure access to the Ala Kahakai trail.
2. **PESTICIDE USE.** Given the sensitive nature of Kiholo Bay, discuss what alternatives you will implement to avoid the use of hazardous pesticides for landscaping and gardening.
3. **CARETAKER'S HOUSE.** Please disclose the future use of the ten room "caretaker's" house.
4. **CONSULTATION.** We acknowledge that some early consultation on this project has occurred. However, we request that you consult with the Office of Hawaiian Affairs (since ceded lands are involved). In accordance with Section 11-200-9(b), Hawaii's Administrative Rules, please consult with: the County Planning Department, since it is the lead agency responsible for implementing the County general plan; and, the approving agency, Department of Land and Natural Resources as to consultation with "citizen groups and individuals" which DLNR reasonably believes to be affected.
5. **SUPPLEMENT TO THE CONSERVATION DISTRICT USE APPLICATION.** We are in receipt of a supplement to the conservation district use application for the subject project. Please include the information (including letters) contained within this supplement in the environmental assessment for the project. This inclusion is necessary since it presents a more complete picture of the environmental setting, allowing for a more complete assessment of impacts and mitigative measures.

Thank you for the opportunity to comment. If you have any questions, please call Mr. Leslie Segundo of my staff at (808) 586-4185.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genevieve Salmonson".

GENEVIEVE SALMONSON
Director

c: Mr. Edward Henry, Department of Land and Natural Resources
Dr. Ron Terry

Ron Terry, Ph.D.
HC 2 Box 9575
Keeau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 7, 2000

Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Salmonson:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

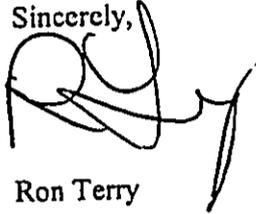
Thank you for your letter of February 7, 2000, commenting on the CDUA/EA for the subject project. Our responses to your individual comments are as follows:

1. *Ala Kahakai Trail Access.* The Ala Kahakai Trail extends along the beach makai of the Bakken parcel. As stated on p. 15 of the Draft EA: "The proposed land exchange would have no effect on land occupied by the trail or the use of the trail, or on the Huehue-Kiholo Trail." There are no current or future adverse effects on the physical structure or use of any of these trails, and we therefore do not see any need to devise or implement specific measures.
2. *Pesticide Use.* Pesticide use will be discussed in landscaping plan that will be approved by the Hawaii State Department of Land and Natural Resources. The use of pesticides on the property is very limited and is expected to remain so. There is in place an approved Anchialine Pond Management Plan which monitors the water quality for chemical substances and nutrients. We would also note that Mr. Bakken has contracted professional monitoring of his pond and nearshore water quality continuously for many years and filed reports with the Hawaii State Division of Aquatic Resources. No adverse effect from any water use or landscaping has occurred, and there is no reason to believe that additional landscaping will cause any degradation.
3. *Caretaker's House.* The caretaker's house will be used as housing for a caregiver family who will care for Mr. and Mrs. Bakken. The Bakken's present single-family home is not designed in a manner that can accommodate a caregiver family without sacrificing the privacy of both families. This information has been added to the Final EA.
4. *Consultation.* We have consulted with the Office of Hawaiian Affairs, with various citizen groups including the Sierra Club and Ka `Ahahui O Pu`uwa`awa`a, and a number of individuals active in coastal issues in West Hawaii, including Mike Varney and Chris Yuen. Evidence of this consultation is documented in Appendix 1A and 1B of the Final EA.
5. *Supplement to the Conservation District Use Application.* We have included this supplement in its entirety as Appendix 5 in the Final EA.

Again, thank you for your comments.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron Terry". The signature is stylized with a large, looped initial "R" and a long, sweeping tail.

Ron Terry

cc:

Roy A. Vitousek III

SEND COPIES TO
APPROPRIATE PARTIES

Anthony Aho Aho
P.O. Box 310
Kapaau, HI

96755

'00 FEB -7 'A11:00

January 27, 2000

To:

Ben Cayetano; Governor
Dickie Nelson; Liaison
Russell Kokulani; DLNR
Tim Johns; DLNR
Genevieve Salmon; OERC
Martha Yent; State Parks
Ross Cordy; Historic Preservation
Don Hibbard; Historic Preservation
Ed Henry; DLNR
Ralston Nagata; DLNR

RECEIVED
GUARD

Aloha,

It is with great concern and frustration that this letter is being written to all of you. Again, the State of Hawaii chooses to allow a haole to try and "steal" land that belongs to the Hawaiian people - the 9 acre parcel located in the ahupua'a of Puuwaiaua, the parcel being known as Luahinewai. The issue of concern is the land swap of Mr. Earl Bakken for Hawaiian land that he has no right to even ask for. Again, due to much misinformation that is being circulated, Mr. Bakken's true intentions are not to help Hawaiians, but instead to create his own personal estate at the expense of the Hawaiians. He has even stated that the land he wants is to expand what he has to create a buffer zone around the property (he has already located his residence upon).

The act of allowing a haole or anyone not of the Hawaiian community to take land for their own use is

Feb. 06 2000 09:56AM P1

FAX NO. :

FROM :

3/ no different than what has happened to the American Indian
having their land stolen and given to non-Indians. It is at
this time that my family wishes to also apply for this
land parcel as we are Hawaiian and have ancestors
from the area of Kiholo, we also apply for the land in
support of the Keakealani Ohana and other Hawaiian
families who are the ones who have a direct link to
Luahinewai/Kiholo. It is only fair that if you allow a haole
to try to "steal" this land from the rightful heirs of this land,
that you allow the right heirs (Keakealani family, Office of Hawaiian
Affairs on behalf of all Hawaiians and ourselves, to apply and contest
the proposed exchange of Earl Bakken/DNR).

The EA and archaeological study tends to play-down the
significance of the area as being not of great archaeological
importance. Is this to justify that DNR can attempt to
give away something it doesn't own? Or, that Mr. Bakken
can now attempt to acquire the land because it is less
valuable from a cultural viewpoint? Whether or not sites have
been disturbed, the entire area has much importance to
the Hawaiian people, especially those of us who have
family from the area (burial sites, cultural-archaeological, etc) do
believe that the spirits of our ancestors are still part of
many sites - and that the dead deserve to rest in peace.
To disturb the sites further is outright desecration. To try
and simplify what are cultural values (Hawaiian) to expand the
argument in favor of Mr. Bakken is outright misuse of
archeology. Further, we spoke to a Robert Rechtman

3/ who wrote the archeology. He is a haole who was paid by either Mr. Bakken or Ron Terry (EA writer), a consultant for hire.

Mr. Reichtman admitted that all he did was to study the area and the sites. He never did any oral history of the area as to the rightful owners of Kiholo/Luahinewai. Neither did he even attempt to go to the source - the living descendants of Pūuwa'awā'a and Luahinewai! How can a haole discredit the oral history of an area and make his archeological report take precedence over what the Hawaiians know to be true. Time and again, this scene is played out over and over - just because someone is "educated" and has a bunch of "degrees" doesn't make them smart or that their "degrees" allow them to make decisions based on false hypotheses. Again, it is most important to "look to the source."*

In summation, we wish to give our utmost support to the families that have rightful ownership/stewardship of these Hawaiian lands of Kiholo/Luahinewai. We also wish to apply for our application for these lands as it rightfully belongs to all Hawaiian people and our mo'opuna. It is not DLNR or the State of Hawaii's right to decide the fate of this situation, but rather it is a decision to be made by the Hawaiian people, OHA and all Ohana of Kiholo/Luahinewai.

Thank You,

Anthony Ako Anjo
Valerie Luhiara Anjo

Ako and Luhiara Ohana

* "the source is the history of the Hawaiian people, by Hawaiian people, for Hawaiian people...."

Ron Terry, Ph.D.
HC 2 Box 9575
Keaau HI 96749
Ph: (808) 982-5831
FAX (808) 966-7693

March 11, 2000

Anthony Ako Anjo
P.O. Box 310
Kapa'au HI 96755

Dear Mr. Ako:

Subject: Draft Environmental Assessment for Bakken Land Exchange at
Kiholo Bay

On March 11, 2000, I received from the Hawaii State Office of Environmental Quality Control your letter of January 27, 2000 commenting on the CDUA/EA for the subject project. As a representative of the applicant for the project, I am responding to your letter. Responses to your individual comments are as follows:

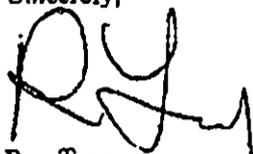
1. *Intentions of Dr. Bakken.* Your letter states that Dr. Bakken's intentions are not to help Hawaiians, but rather to enlarge his estate. The EA clearly states that the project has been proposed in order to benefit both Dr. Bakken and the general public. Comment letters and testimony at the public hearing indicate that many members of the public agree that the project substantially benefits the public through expansion and enhancement of recreational opportunities. The Hawaii State Board of Land and Natural Resources must consider this public benefit versus impacts to the values of the Conservation District in making their decision. We would also note that the exchange *does not* involve Luahinewai.
2. *No Right to Make Request.* Your letter states that because Dr. Bakken is not Hawaiian, he is not allowed to make a request for take State of Hawaii land for his own use. We disagree with this position. The application complies with all laws and regulations of the State of Hawaii.
3. *Consultation with Native Hawaiians and OHA.* The applicant has consulted with Native Hawaiians through discussions with various individuals and groups, including members of the Keakealani family, other Native Hawaiians from this and neighboring ahupua'a, and the Office of Hawaiian Affairs. While OHA has stated its opposition to land exchanges (a position with which we respectfully disagree), there is a spectrum of opinion on the project. We have tried to carefully consider everyone's opinion in our proposal.
4. *Archaeological Significance of the Area.* The area was carefully surveyed for archaeological sites, none of which will be adversely affected by the project. We acknowledge that Kiholo Bay is culturally very significant, and we believe that the proposal will help support the cultural values, past and present, of the area. Our consultation with Native Hawaiians and documentary research indicates that there is no special cultural significance for the particular area involved in

the land exchange, and that no impacts to gathering, access or any other traditional rights and practices would occur.

Thank you for your comments.

For your information, notice of the Final Environmental Assessment will be published in the OEQC Environmental Notice, and a copy will be placed on reserve at the Kailua-Kona, Waimea, and Hilo Public Libraries, as well as the University of Hawaii at Hilo's Mookini Library.

Sincerely,



Ron Terry

cc:



Roy A. Vitousek III

APPENDIX 2

FIGURES

Figure 1 Location Map

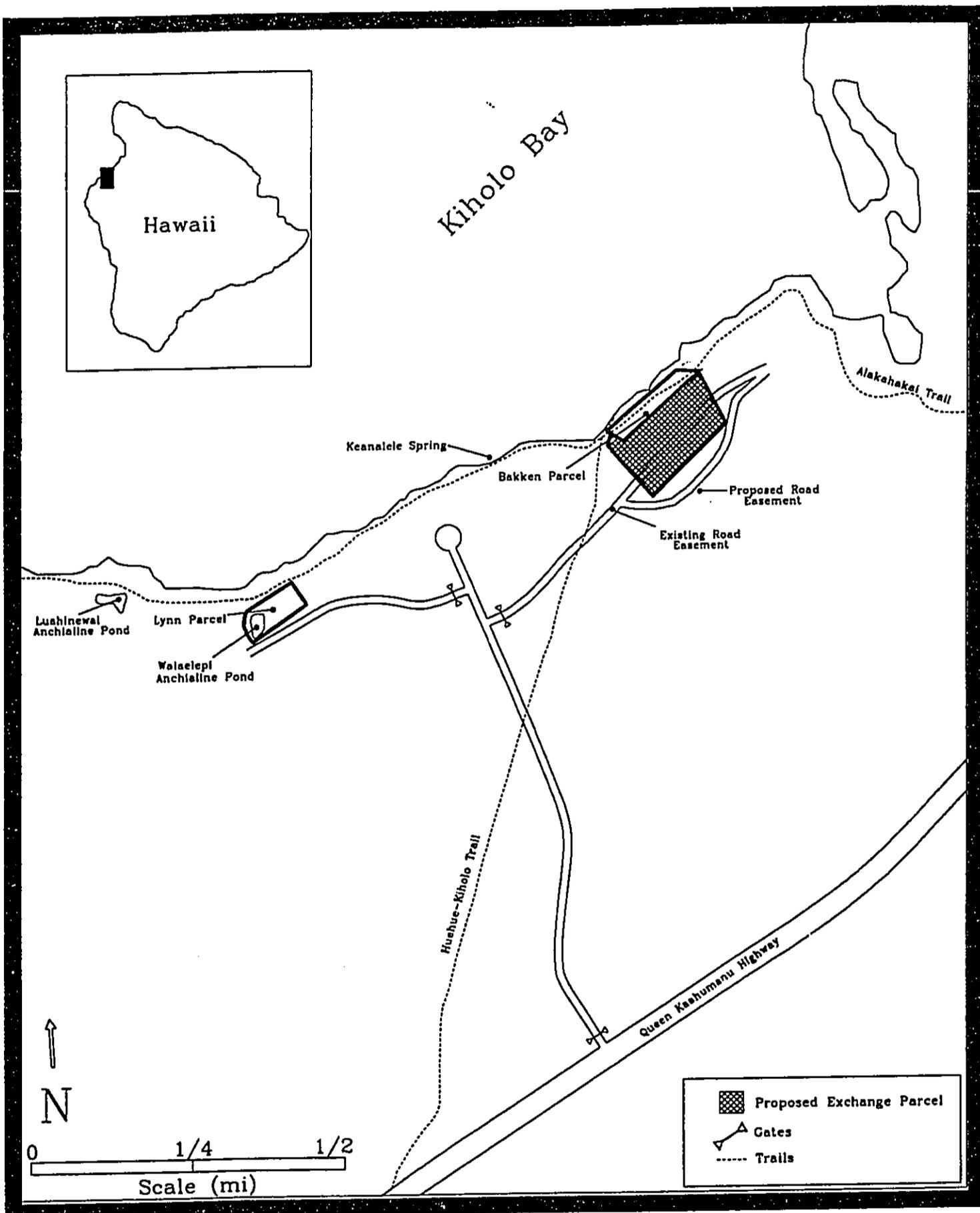
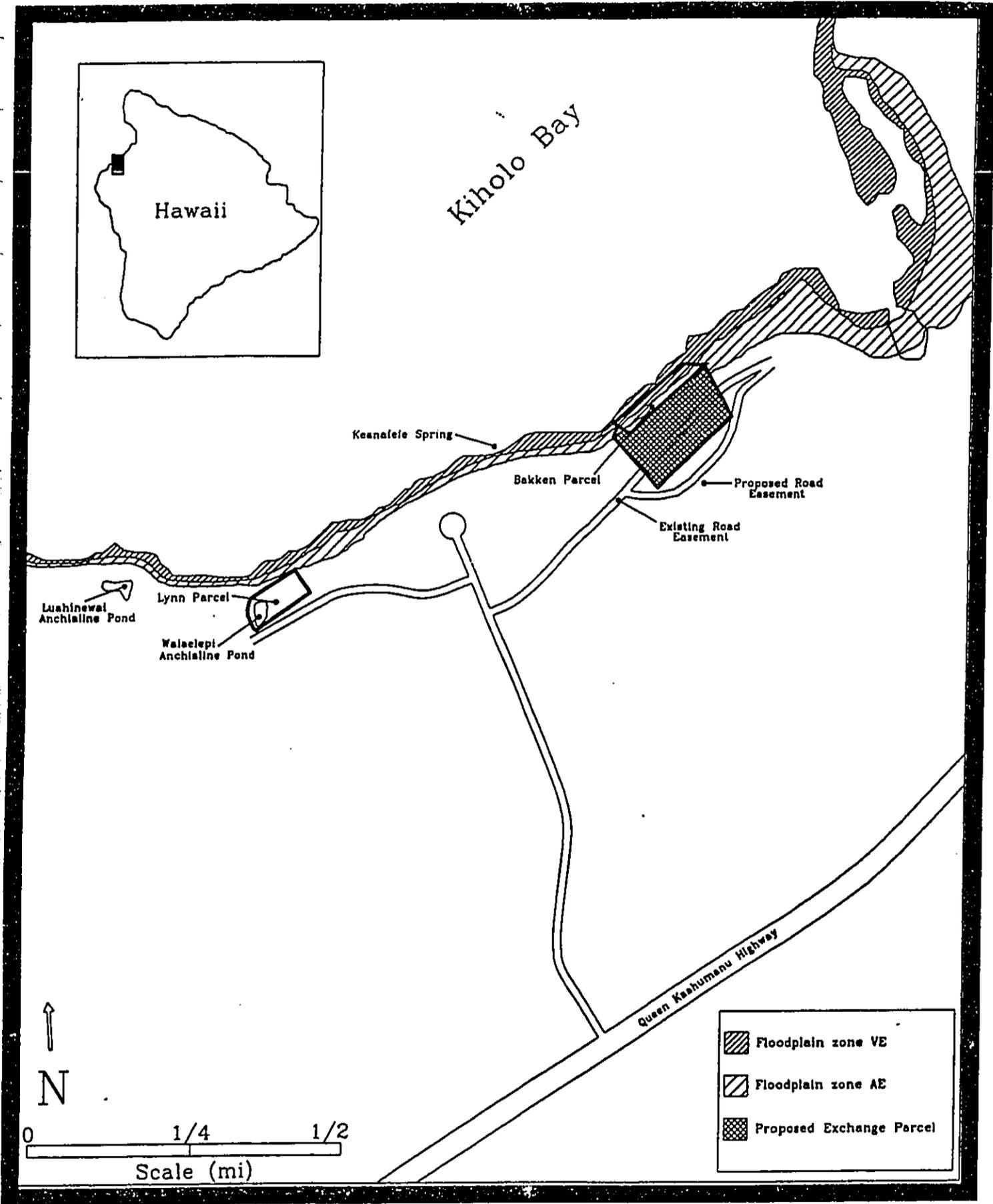


Figure 2 Special Flood Hazard Areas



Source: FEMA Flood Insurance Rate Maps

Figure 3a
Site Photographs 1 & 2



1. Kiholo Bay from Scenic Lookout, Queen Kaahumanu Highway

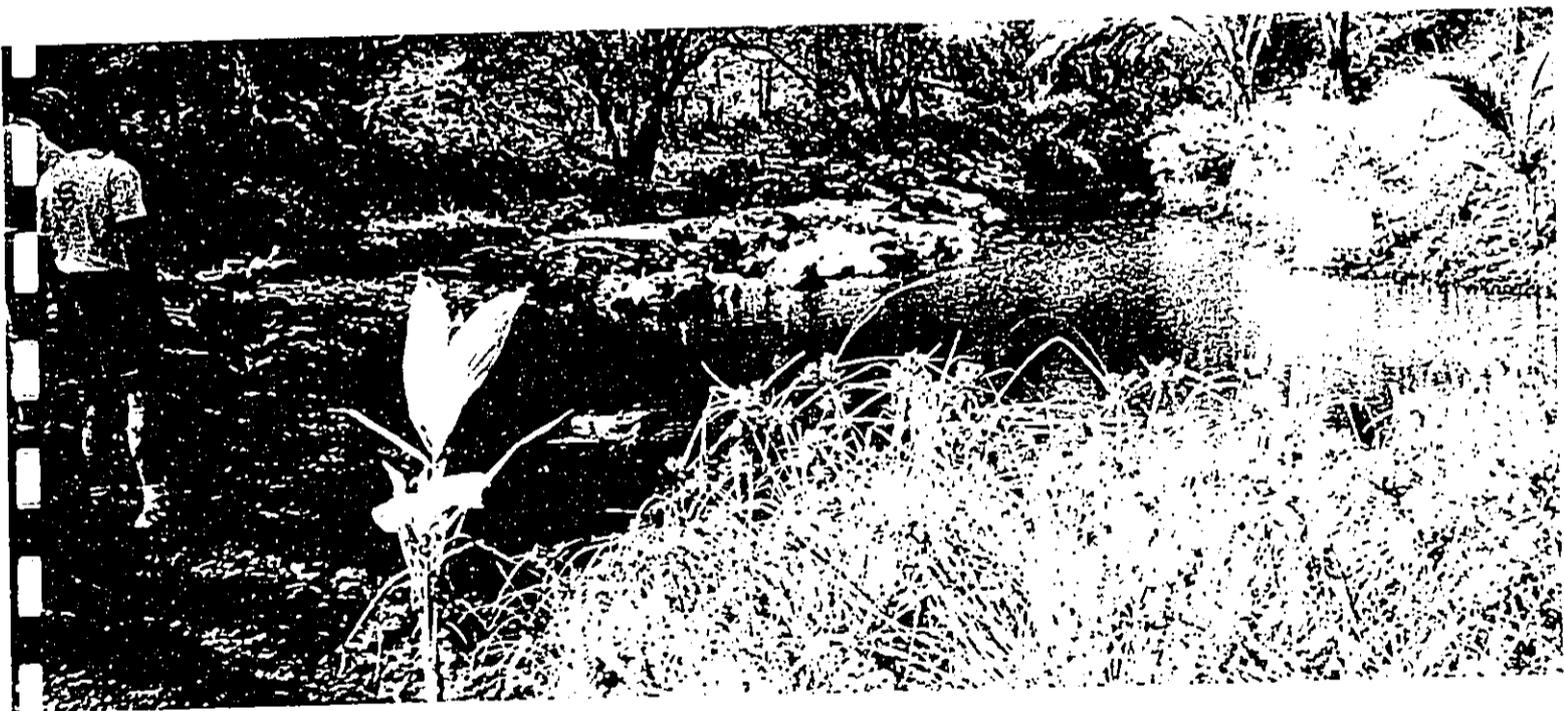


2. Kiholo Bay from Scenic Lookout, Queen Kaahumanu Highway (Close-up)

Figure 3b
Site Photographs 3 & 4



3. Beach at South End of Kiholo Bay



4. Waialepi Anchialine Pond, on Lynn Parcel

Figure 3c
Site Photographs 5 & 6



5. View of Kiholo Beach from Deck of Lynn Home



6. Lynn Home

Figure 3d
Site Photographs 7 & 8

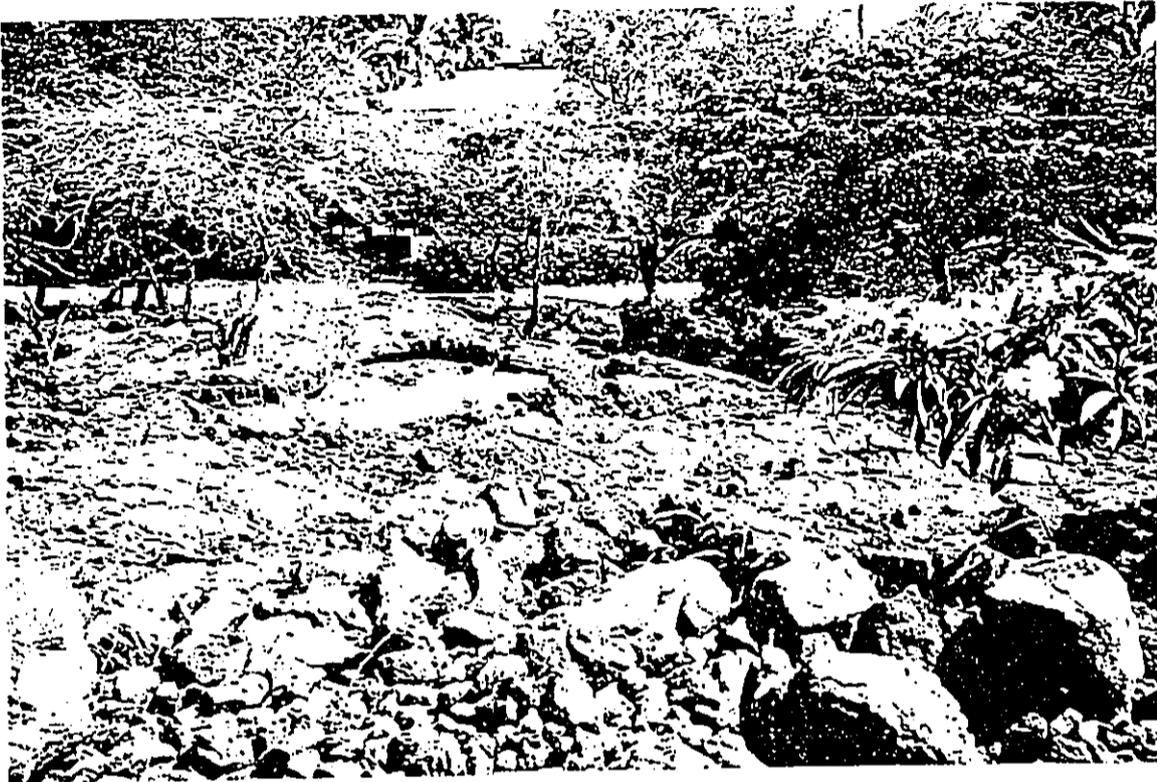


7. Jeep Road on Beach Near Keanalele Pond



8. Canoe Shed Near Keanalele Pond

Figure 3e
Site Photographs 9 & 10



9. Site for Proposed Caretaker Cottage, Viewed from Access Road



10. Access Road from Southwest Edge of Proposed Nine Acre Parcel, Looking Northeast

Figure 3f
Site Photographs 11 & 12

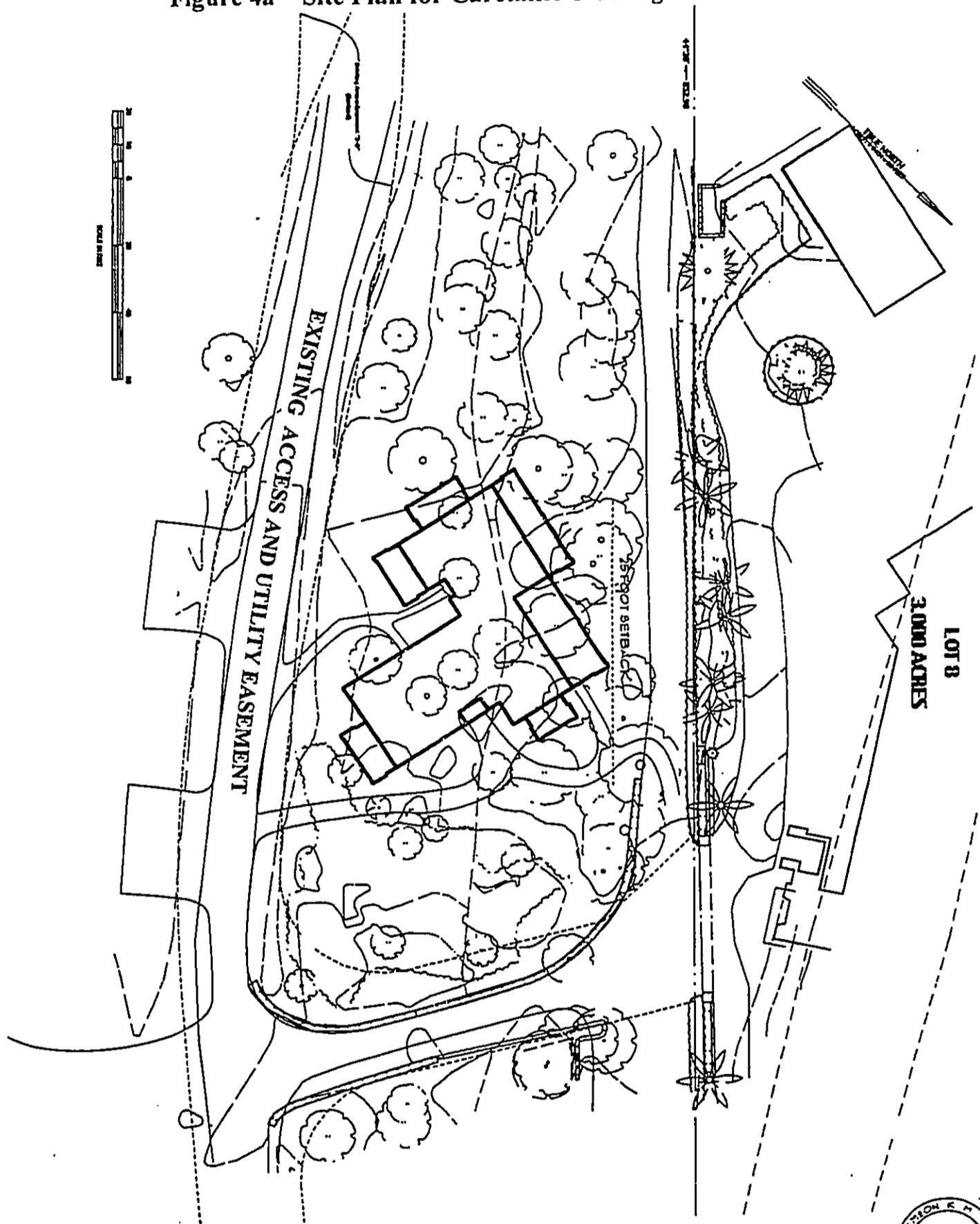


11. Typical Terrain on Proposed Nine Acre Lot, Looking Makai



11. Terrain on Proposed Nine Acre Lot, Looking Mauka (Note C-shaped Structure)

Figure 4a Site Plan for Caretaker's Cottage



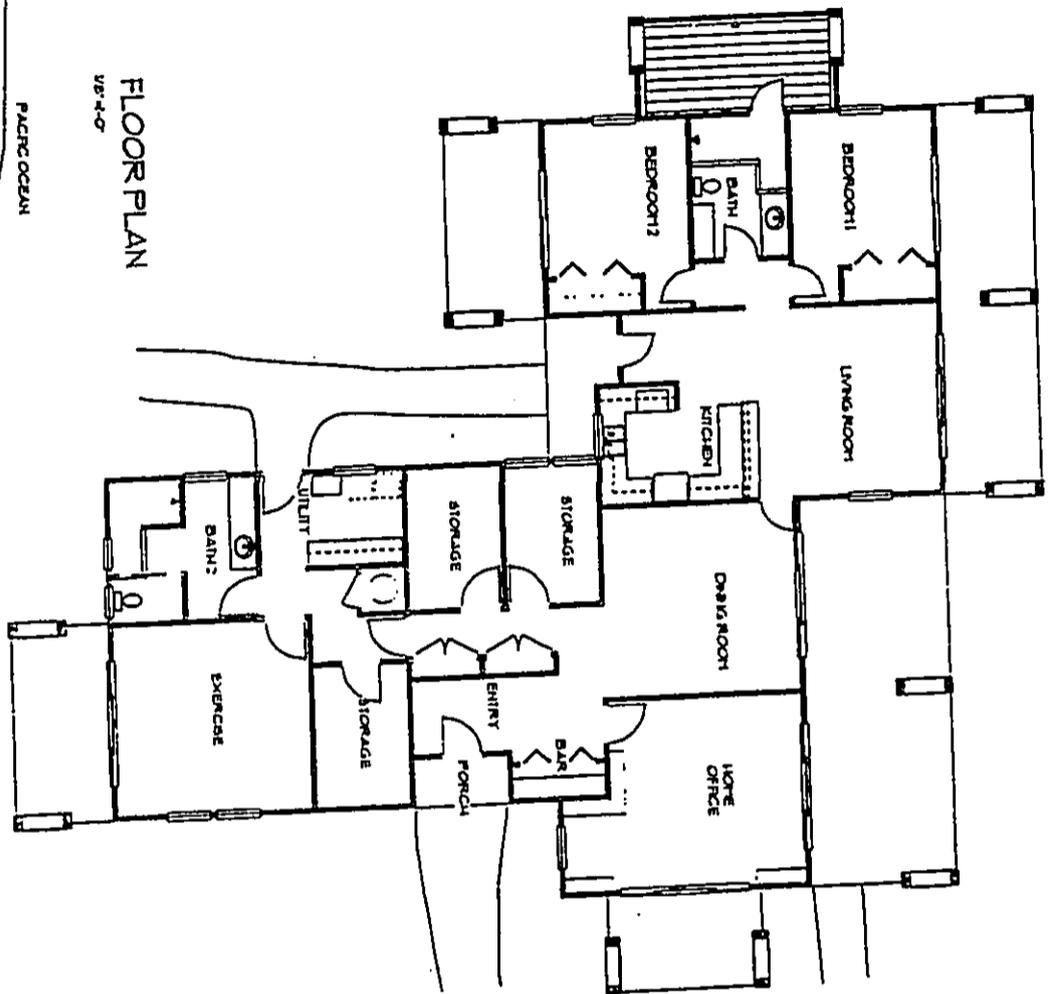
1
D
2-0000

PROPOSED SINGLE FAMILY RESIDENCE FOR:
EARL AND DORIS BAKKEN
KHOLO BAY - THK •

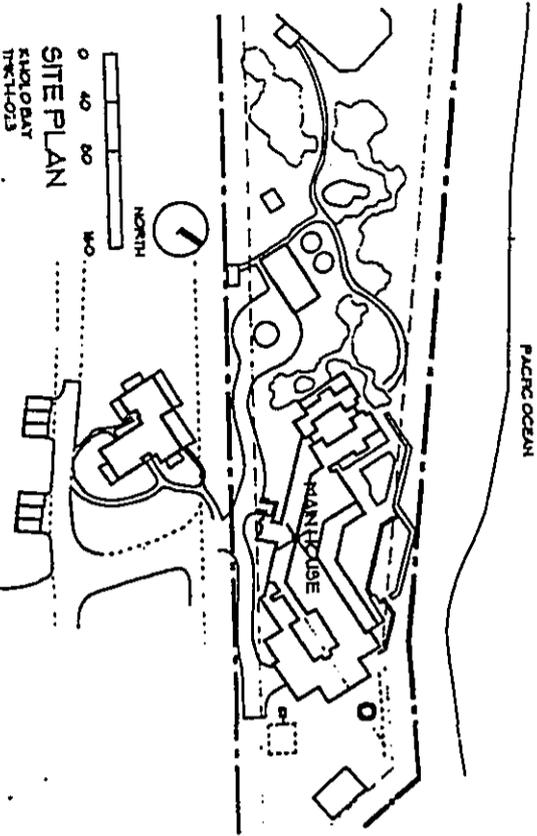
CLEMON LAM - ARCHITECT - AIA
PO BOX 1893 - KAPULEA, HI 96743 808-685-4431
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION



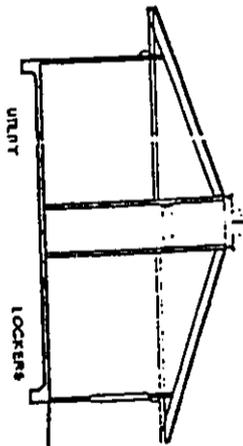
Figure 4b Floor Plan for Caretaker's Cottage



FLOOR PLAN
US-440



SITE PLAN
KHOLO BAY
TERRACES



BUILDING SECTION AT STORAGE AREA
US-440

2

SCENE
D

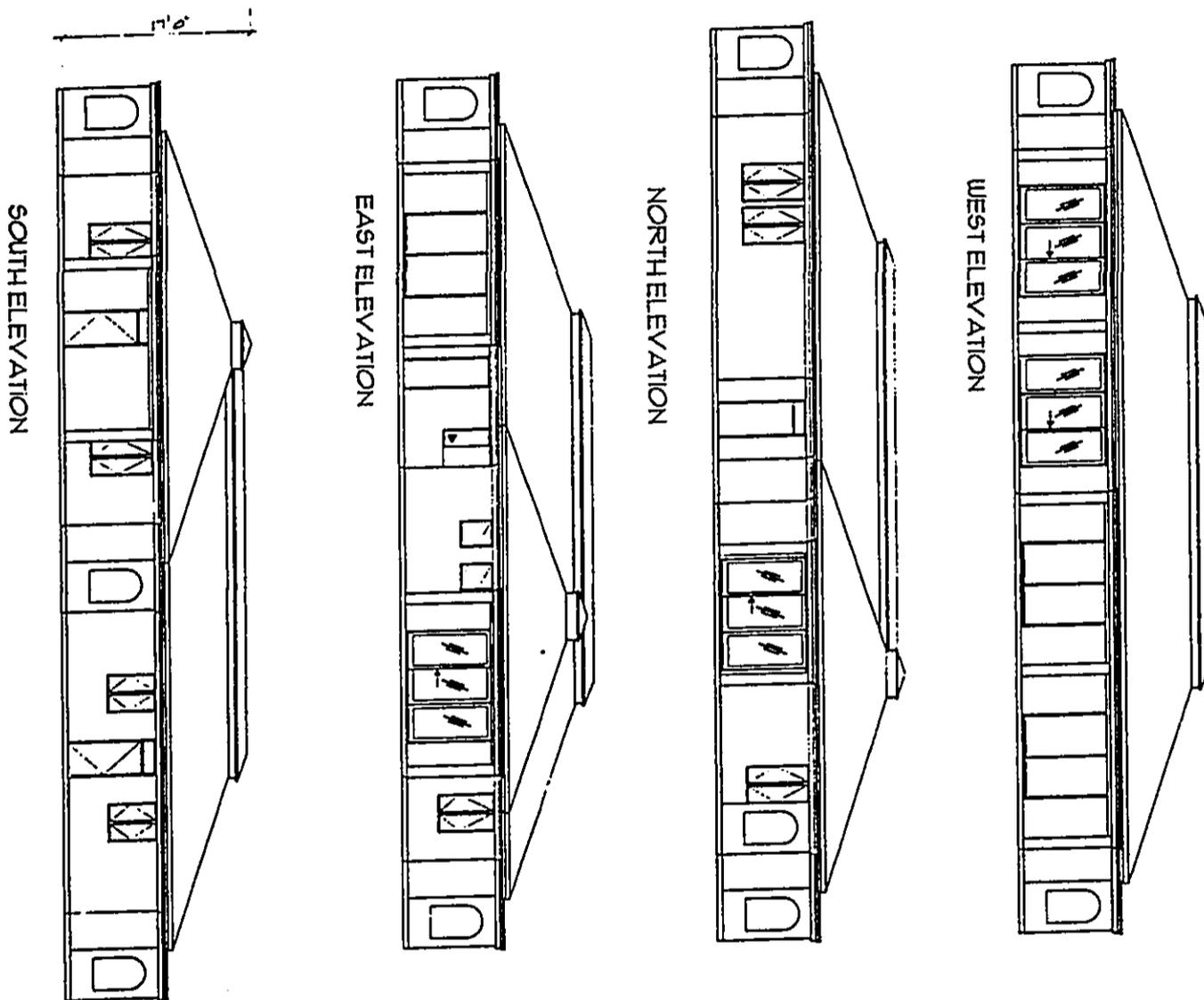
JUN 23 1969

PROPOSED SINGLE FAMILY RESIDENCE FOR:
EARL AND DORIS BAKKEN
KHOLO BAY - T.K.

CLEMON LAM - ARCHITECT - AIA
PO BOX 1823 - KAPLEA, HI 96743 808-868-1111
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THE PROJECT WILL BE UNDER MY OBSERVATION.



Figure 4c Caretaker's Cottage Exterior Elevations



EXTERIOR ELEVATIONS



4	D	PROPOSED SINGLE FAMILY RESIDENCE FOR:	CLEMSON LAM - ARCHITECT - AIA. PO BOX 1923 - KAPALEA, HI 96743 (808) 882-4437 <small>THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.</small>
		EARL AND DORIS BAKKEN KHOLO BAY - THK #	

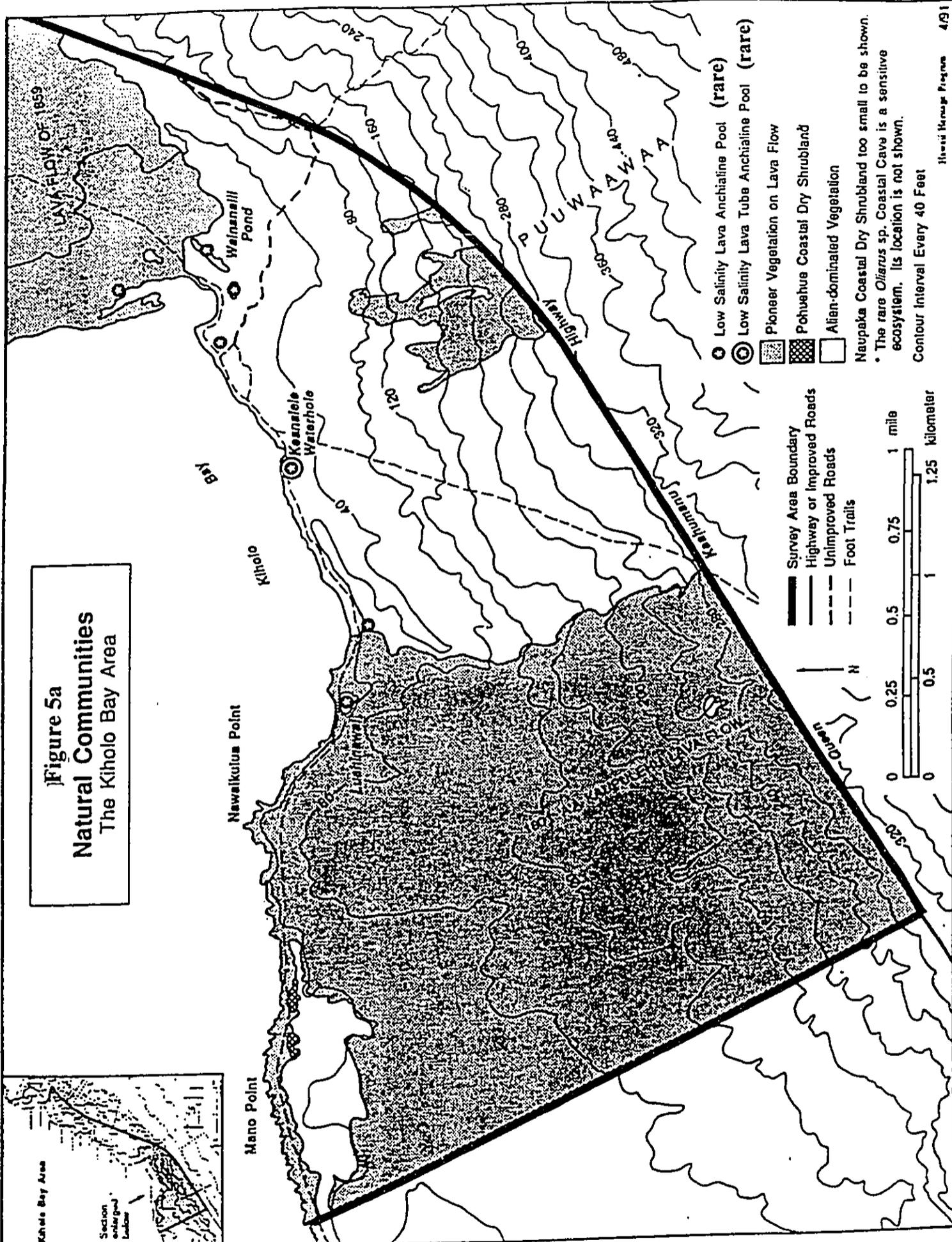
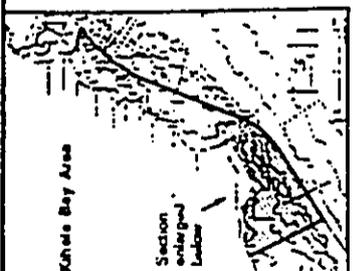


Figure 5a
Natural Communities
 The Kiholo Bay Area



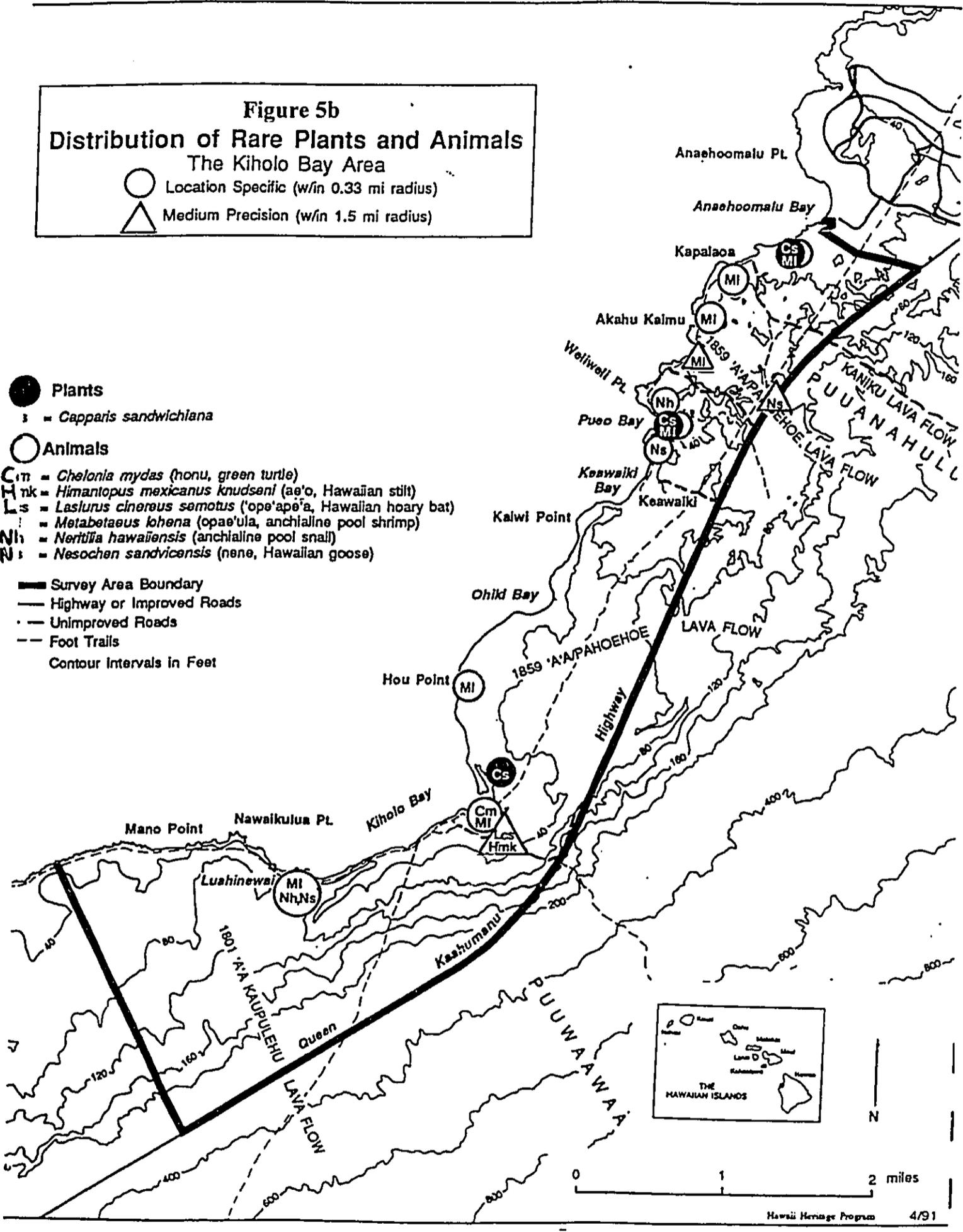
- Low Salinity Lava Anchialine Pool (rare)
 - ⊙ Low Salinity Lava Tube Anchialine Pool (rare)
 - ▨ Pioneer Vegetation on Lava Flow
 - ▩ Pohuehue Coastal Dry Shrubland
 - Alien-dominated Vegetation
- Naupaka Coastal Dry Shrubland too small to be shown.
 * The rare *Oliarus* sp. Coastal Cave is a sensitive ecosystem. Its location is not shown.
- Contour Interval Every 40 Feet

- Survey Area Boundary
 - Highway or Improved Roads
 - - - Unimproved Roads
 - - - Foot Trails
- 0 0.25 0.5 0.75 1 1.25
 0 0.5 1 1.25
 mile
 kilometer

Figure 5b
Distribution of Rare Plants and Animals
The Kiholo Bay Area

○ Location Specific (w/in 0.33 mi radius)
 △ Medium Precision (w/in 1.5 mi radius)

- Plants
- Animals
- Cm = *Chelonia mydas* (honu, green turtle)
- Hnk = *Himantopus mexicanus knudseni* (ae'o, Hawaiian stilt)
- Ls = *Lasurus cinereus semotus* ('ope'ape'a, Hawaiian hoary bat)
- MI = *Metabetaeus lohena* (opae'ula, anchialine pool shrimp)
- Nh = *Neritilia hawaiiensis* (anchialine pool snail)
- Ns = *Nesochen sandvicensis* (nene, Hawaiian goose)
- Survey Area Boundary
- Highway or Improved Roads
- - - Unimproved Roads
- - - Foot Trails
- Contour Intervals in Feet



APPENDIX 3

REAL ESTATE DOCUMENTS

FINAL BUYER STATEMENT FOR ITEM A

EARL E BAKKEN
P O BOX 384360
WAIKOLOA HI 96738

ESCROW NO: 99-301-0157
RPT DATE : 3/15/99
CLOSE DT : 3/15/99
PROPERTY :
TMK (3)7/1/002/002 CPR:
ADDRESS KIHOLE BAY - LOT #9
KOHALA COAST HI 96743

ESCROW AGENT:

TITLE GUARANTY ESCROW SERVICES, INC.
KONA OFFICE
75-170 HUALALAI RD STE C-310
KAILUA-KONA HI 96740

CONTRACT DATE : 2/15/99

ATTN JANET LUM WON

DESCRIPTION	DEBITS/CHARGES	CREDITS
Sales/purchase price	2,678,000.00	
Initial deposit		50,000.00
Additional deposit		2,682,960.45
Interest earned		32.85
Prorata items as of 3/15/99		
R.P. taxes 3/15/99 to 7/01/99 @ 5,558.82/6MO	3,273.52	
Title insurance prem to TITLE GUARANTY OF HAWAII	2,546.87	
Escrow fee to TITLE GUARANTY ESCROW	2,105.06	
Notary fee to TITLE GUARANTY ESCROW	10.00	
Record'g/filing fee	25.00	
Refund	50,032.85	
TOTAL	2,732,993.30	2,732,993.30

The undersigned has/have received, read and understand the Controlled Business Arrangement Disclosure Statement from Title Guaranty Escrow Services, Inc.

SURVEY/STAKING HAS BEEN WAIVED.
TERMITE REPORT HAS BEEN WAIVED.

FIRE INSURANCE to be handled by NEW policy OUTSIDE of escrow.

REAL PROPERTY TAXES (if applicable) are your responsibility and must be paid by you direct to the agency that collects it.

HOME EXEMPTIONS ONLY - If you intend to reside on the property you have just purchased, you are allowed a Homeowners Exemption against your Real Property Taxes. Application should be made to the City and County Director of Finance. For the Counties of Maui, Kauai and Hawaii the due date is December 31. For the County of Honolulu the due date is September 30.

TAX NOTE - The County Tax Office may not send you a tax bill in time for the next payment. Payment dates are: first installment, Aug 20; 2nd installment, Feb 20. Be sure to contact the tax office if you do not receive a billing 30 days prior, and obtain the amount due.

REAL ESTATE SERVICES

Real Estate Appraisal, Market Analysis, Feasibility Analysis,
Land Use Planning and Consulting on a Statewide Basis

Peter T. Young
Telephone: (808) 885-4200
Facsimile: (808) 885-8869
Toll-free: 1 (800) 690-9463
E-Mail: Mail@HawaiiAppraiser.com
Web-Site: http://HawaiiAppraiser.com
Post Office Box 2665; Kamuela, HI 96743

July 1, 1999

Randy Vitousek
Cades Schutte Fleming and Wright

via facsimile only: 326-1175

Re: Value Estimate Kiholo Non-oceanfront 9-Acre Parcel

Randy:

This letter is a summary of some of the information I have relating to the value estimate of an assumed 9-acre non-oceanfront property in Kiholo.

I reviewed sales for the past three years involving properties near or on the coast that might compare with the assumed parcel. Following is a summary of these transactions.

Tax Map Key	Land Area	Price	Date	\$/Acre
3/5-7-001:005	10.61 Ac	\$ 900,000	06/96	\$ 84,825

Oceanfront parcel on the North Kohala coastline, just south of the Lapakahi State Park; property has extensive frontage and relatively narrow depth. Access and utilities are via easements over State land; access via 4-wheel drive and no other improvements for the site.

Tax Map Key	Land Area	Price	Date	\$/Acre
3/5-7-001:020	35.34 Ac	\$ 390,000	03/99	\$11,035

Oceanfront parcel south of Lapakahi State Park. Property is rectangular in shape and has Akoni Pule Highway frontage.

Tax Map Key	Land Area	Price	Date	\$/Acre
3/5-8-001:009	166.05 Ac	\$1,250,000	04/99	\$ 7,500
3/5-8-001:010	62.62 Ac	\$ 640,000	04/99	\$10,220

Both parcels have oceanfrontage and front Akoni Pule Highway. Property is between Lapakahi State Park and Kohala Ranch Subdivision on the North Kohala coastline.

Page 2

July 1, 1999

I considered the relative difference in prices paid for oceanfront versus non-oceanfront properties in Puako:

Puako Oceanfront versus Non-oceanfront Prices

Most of the oceanfront properties were either vacant at the time of their sale, or had improvements that were considered insignificant to the overall property value (many of the improvements have subsequently been removed and new home constructed on the sites.)

The non-oceanfront properties are essentially improved parcels with homes constructed and occupied on them.

Tax Map Key	Land Area	Price	Date
3/6-9-004:006	15,469 SF	\$ 950,000	02/99
3/6-9-005:003	15,593 SF	\$1,125,000	02/99
3/6-9-006:009	14,000 SF	\$1,080,000	02/98
3/6-9-006:010	14,000 SF	\$1,000,000	10/98
3/6-9-006:018	14,000 SF	\$1,225,000	09/98
3/6-9-006:020	14,000 SF	\$1,100,000	10/98

Tax Map Key	Land Area	Price	Date
3/6-9-005:030	14,000 SF	\$ 225,000	08/98
3/6-9-005:041	11,621 SF	\$ 245,000	09/98
3/6-9-006:032	14,000 SF	\$ 255,000	09/97

The Puako sales are used to indicate relative differences in price paid for oceanfront versus non-oceanfront properties, they should not be used to compare with the subject property directly due to land area, nature of the neighborhood, access, utilities and other factors.

The following is a relative comparison of oceanfront versus non-oceanfront prices for Puako properties. This summary indicates that non-oceanfront parcels sell of approximately 1/4 the price paid for oceanfront properties.

Puako Oceanfront	\$1,100,000/residential lot
Puako Non-oceanfront	\$ 250,000/residential lot

What does this mean?

Due to limited access (easement required), limited utilities (no water, power or telephone service) and non-oceanfront location of the assumed 9-acre parcel I do not think it is reasonable to directly compare the assumed property with oceanfront transactions at Kiholo. There is a temptation to look at the Lynn to Bakken sale and

Page 3

July 1, 1999

use it to help estimate the value of the assumed 9-acre non-oceanfront, vacant property.

The evidence from Puako, however, clearly indicates the significant premium the market places on oceanfront property. Some might argue that any property at Kiholo benefits from the prices paid in the area but I believe the Puako comparison clearly indicates a significant difference is indicated in the marketplace. I cannot see compelling evidence that suggests Kiholo is any different.

Unfortunately there are no similar properties at Kiholo, or anywhere along the Kona-Kohala coast, that can directly compare with the assumed subject specifications. Due to the limited market evidence and far ranging prices paid for properties, I believe it is somewhat speculative at this point to pinpoint a specific value for the assumed 9-acre non-oceanfront property.

I am tempted to look at the first sale (I know the property having previously appraised it, as well as its access/utility easement) and suggest it forms a base to start from - it has the closest land size. Though oceanfront, it faces similar challenges relative to access improvement and utilities.

The other North Kohala properties, though also oceanfront, indicate the market will pay less for per acre for larger land areas. These properties tend to support the 'excess land' theory where it is argued that a certain price is paid for the primary use/benefit of a property (in these cases probably a house-site with oceanfrontage) and due to the size of the existing parcel and limited availability of alternative purchases, the rest of the property is acquired in 'the package'. The remainder land serves as a buffer to the primary use and the unit price paid for it is less than for the primary use portion. (The subject property assumption exemplifies this situation.)

I can see a reasoned argument that suggests the subject site has a value in the range of \$10,000 to \$50,000 per acre. The North Kohala sites support this figure and the Puako comparison is supportive of a significant reduction for non-oceanfront properties compared to oceanfront. Nothing in this discussion and/or figures, however, should suggest that some higher price is 'unreasonable'.

As you can see from this discussion, I am not comfortable submitting a 'final figure'. I would rather discuss this with you at your convenience. Thanks.

Peter.

DOCUMENT CAPTURED AS RECEIVED

County of Hawaii

HAWAII COUNTY DEPARTMENT OF PUBLIC WORKS
BUILDING DIVISION

BUILDING PERMIT

PCC

Total Valuation \$ 75,000

Total Fee \$ 245.00

Owner O.V. & Loretta Lynn

c/o Milly Mehan

Address Waikoloa Village Station

Kamuela, HI 96743

Lessee, Tenant

Plans By John Parazette, AIA, Inc.

Address POB W, Kailua-Kona, HI

96740

Builder Stephenson Construction

Address 74-5612 Pawai Pl. Kailua

96740

Plumbing Contractor

WATER LOKI Plumbing C-8886

Address P.O. Box 743

Kealahou, HI. 96750

Electrical Contractor

Wespac ELECTRIC C-12938

Address PO Box 5010

Kailua-Kona HI-96745

To construct and/or repair, etc: all in accordance with State Laws, and Ordinances of the County of Hawaii, to-wit:

Class of Work: New Addition Alteration Repair Move Demolition Reconstruction

CONSTRUCTION SITE

Kiholo Bay

H. Kona

Now Occupied As

(ST. NO.)

Type of Construction

(STREET)

Maj. Floor Area

1843

Title Occupied As

Residence

Dimensions

40' dia

Accessory Flr. Area

1033

Occupancy

R 3

Floor Constr.

wood

Nearest Lot Boundary

60'

Stories

2

Ext. Walls

wood

Nearest Building

N.A.

Zone

Open

Int. Walls

wood

To Cesspool

10'

Lot Area

3.00 AC

Roofing

comp tile

Sewer Connection

No

Completion Date

Oct. 86

Ceiling

wood

Firm Zone

A4/V15

REMARKS: New 3-bedrm., 2-bath dodecagon (12-sided) dwelling

No public utilities available

WARNING: PERMIT PLACARD MUST BE POSTED ON THE SITE OF THE WORK. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, GAS, GRADING, DRIVEWAYS, AND SIGNS.

APPROVALS REQUIRED

[Signature] 1986
PLANNING DEPT.
 19
DEPT. OF HEALTH
 19
DEPUTY FIRE MARSHALL
 [Signature] 1986
PLANS & SURVEYS

19
SEWERS & SANITATION
 19
 [Signature] 1986
TRAFFIC SAFETY / CONTROL
BUREAU HEAD

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

REFUND REQUEST FOR PERMIT FEE PAID MUST BE RECEIVED BY THE DIRECTOR OF FINANCE WITHIN 90 DAYS FROM ISSUE DATE OF THIS PERMIT.

I AM A BONA FIDE CONTRACTOR LICENSED UNDER THE PROVISIONS OF CHAPTER 444, H.R.S. MY LICENSE NUMBER IS BC-9611 AND IT IS IN FULL FORCE AND EFFECT. MY AGENT, WHO IS AUTHORIZED TO APPLY FOR THIS PERMIT IS, [Signature]

I QUALIFY UNDER EXEMPTION NO. 7 OF SECTION 444-2, H.R.S. AND HEREBY CERTIFY THAT THE BUILDING OR STRUCTURE IS FOR MY PERSONAL USE AND NOT FOR USE OR OCCUPANCY BY THE GENERAL PUBLIC.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all County ordinances and State laws regulating building construction.

SIGNATURE (CONTRACTOR OR OWNER) [Signature] Aug 8 1986

B No. 07611 F

3rd. DIVISION				
Z	S	PL	PAR	LOT
1	1	02	02	

PLANNING COMM

APPENDIX 4A

ARCHAEOLOGICAL REPORT, STATE PARCEL

1998-092499

Archaeological Survey of a Nine-Acre Parcel at Kīholo Bay

Pu'uwa'awa'a Ahupua'a, North Kona District
Island of Hawai'i (TMK: 3-7-1-2:Por.02)

BY

Robert B. Rechtman, Ph.D. • Senior Archaeologist
Thomas R. Wolforth, M.S. • Project Manager

PREPARED FOR

Roy A. Vitousek III
Cades, Schutte, Fleming, and Wright
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740

SEPTEMBER 1999

PHRI

Paul H. Rosendahl, Ph.D., Inc.
Archaeological • Historical • Cultural Resource Management Studies & Services

HAWAII: 204 Waiānapanoa Avenue • Hilo, Hawaii 96720 • (808) 969-1763 • GUAM: P.O. Box 23305 • G.M.F. Guam 96921 • (671) 472-3117

SUMMARY

At the request of Roy A. Vitousek, III of Cades, Schutte, Fleming and Wright Attorneys at Law, on behalf of their client Doris and Earl Bakken, Paul H. Rosendahl, Ph.D., Inc., conducted an archaeological survey of a roughly 9-acre parcel of land being a portion of TMK: 3-7-1-2:2 in Pu'uwa'awa'a Ahupua'a, North Kona District, Island of Hawai'i. The project area is also known as Kiholo Bay. This archaeological study is prepared as supporting documentation for a proposed land exchange between the Bakken's and the State of Hawai'i. The Bakken's objective is to acquire the land to build a caretaker home and establish a larger buffer around their residence. This would involve ground-disturbing activities in the area of the proposed caretaker residence and in a corridor for a proposed rerouting of the existing dirt access road. It is the intention of the landowners to avoid directly impacting any archaeological resources that might be present within the study area. Thus, the strategy for the archaeological survey was to perform an intensive surface reconnaissance of the nine-acre study area, but to limit the investigation to non-destructive evaluation, no dismantling of features or sub-surface testing was performed. Areas immediately adjacent to the nine-acre parcel were also surveyed to facilitate the placement of the proposed rerouting of the access road. Previous archaeological investigation within the project area is limited to one archaeological reconnaissance. Kiholo Bay was the principal fishing village in the *ahupua'a* of Pu'uwa'awa'a in the early Historic Period. By the middle 1820s, this coastal area was described as a straggling village, inhabited principally by fisherman.

During the current field investigation, the entire project area was subject to an intensive pedestrian surface reconnaissance. The portion of the study area that lies *makai* of the current access road has been significantly altered by mechanical means; evidence of past grading and bulldozer activity is apparent. No sites were found in this area. In the area to the southwest of the existing Bakken parcel, particular attention was paid to identifying the course of the historically (and archaeologically) documented Kiholo Bay/Huehue Ranch Trail. This trail was found to be outside of the project area. Within and immediately adjacent to the study area, thirteen sites (excluding the trail) containing a total of fifty-one features were identified. All of these sites are considered to have been temporary habitations associated with the procurement of coastal resources. All of the sites documented as part of this study are considered significant under Criterion D. Additionally, because of the presence of human remains within Site 21785, this site is considered significant under Criterion E as well. If constructed *makai* of the existing access road, as proposed, the caretaker residence will not affect any known historic properties. The existing access road can be rerouted within the nine-acre parcel of land so as to not directly impact any of the recorded sites. The seven archaeological sites that exist within the nine-acre parcel of land will become part of a private land-holding and thus are likely to be afforded a greater level of protection than they currently receive.

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INTRODUCTION

At the request of Roy A. Vitousek, III of Cades, Schutte, Fleming and Wright Attorneys at Law, on behalf of their client Doris and Earl Bakken, Paul H. Rosendahl, Ph.D., Inc., (PHRI) conducted an archaeological survey of a roughly 9-acre parcel of land being a portion of TMK: 3-7-1-2:2 in Pu'uwa'awa'a Ahupua'a, North Kona District, Island of Hawai'i (Figure 1). The project area is also known as Kiholo Bay. This archaeological study is prepared as supporting documentation for a proposed land exchange between the Bakken's and the State of Hawai'i. The Bakken's objective is to acquire the land to build a caretaker home and establish a larger buffer around their residence. This would involve ground-disturbing activities in the area of the proposed caretaker residence and in a corridor for a proposed rerouting of the existing dirt access road. It is the intention of the landowners to avoid directly impacting any archaeological resources that might be present within the study area. Thus, the strategy for the archaeological survey was to perform an intensive surface reconnaissance of the nine-acre study area, but to limit the investigation to non-destructive evaluation, no dismantling of features or sub-surface testing was performed. Areas immediately adjacent to the nine-acre parcel were also surveyed to facilitate the placement of the proposed rerouting of the access road.

BACKGROUND

Physical Setting

The project area is within a region of northern Kona known as Kekaha (Kelly 1971). This zone is warm and dry, with less than 50 centimeters of rain annually and a mean temperature just above 20 degrees Celsius (Armstrong 1983). The project area is on *pāhoehoe* flow lacking soil from the shoreline to about 40 feet elevation (Sato et al. 1973). The volcanic substrate dates to between 3,000 and 5,000 years old (Wolfe and Morris 1996). Vegetation in the project area is typical of the leeward shoreline in Kona with *naupaka-kahakai* (*Scaevola sericea*) and sea purslane (*Sesuvium portulacastrum*), and some *koa haole* (*Leucaena leucocephala*).

Prior Archaeological Investigations

Previous archaeological investigation within the project area is limited to one archaeological reconnaissance (Rosendahl 1982). Fifteen feature designations (no site designations are provided) were assigned to 27 cultural features observed scattered over the access and beachfront roads under study. "Walled shelters" were common (n=17, 63%). Cave shelters were also present (n=6, 22%). A possible historic cart road, a modified outcrop, an enclosure, and a cairn were also observed.

Historical Context

Kiholo Bay was the principal fishing village in the *ahupua'a* of Pu'uwa'awa'a in the early Historic Period (Kelly 1996). It was also the residence of Kamanawe, a major *ali'i*, and father-in-law and important supporter of Kamehameha I. The date of the original fishpond at Kiholo Bay is unknown, but Kamehameha I is responsible for having it rebuilt sometime between the mid-1790s and 1810 (Kelly 1996). Accounts of the area after 1820 indicate that the fishpond was a substantial structure (Doyle 1953 IN Kelly 1996; Ellis 1963). The fishpond and associated structures were covered by the 1859 Mauna Loa flow.

By the middle 1820s, the coastal area beyond the fishpond was "a straggling village, inhabited principally by fisherman" (Ellis 1963:294). Kamehameha III took the *ahupua'a* of Pu'uwa'awa'a in the Mahele. No *kuleana* claims were made for Pu'uwa'awa'a, suggesting that fishing and not cultivation, was the principal subsistence activity along the lower elevations of the area (Kelly 1996). In 1894, Robert Hind, Jr. gained a lease of 40,000 acres in Pu'uwa'awa'a, and established a ranch with Eben Low. Hind became Territorial Senator in 1916, and expanded ranching operations. The ranch lease was sold in 1958 to Dillingham Ranch, Ltd., and a variety of transactions have taken place since then.

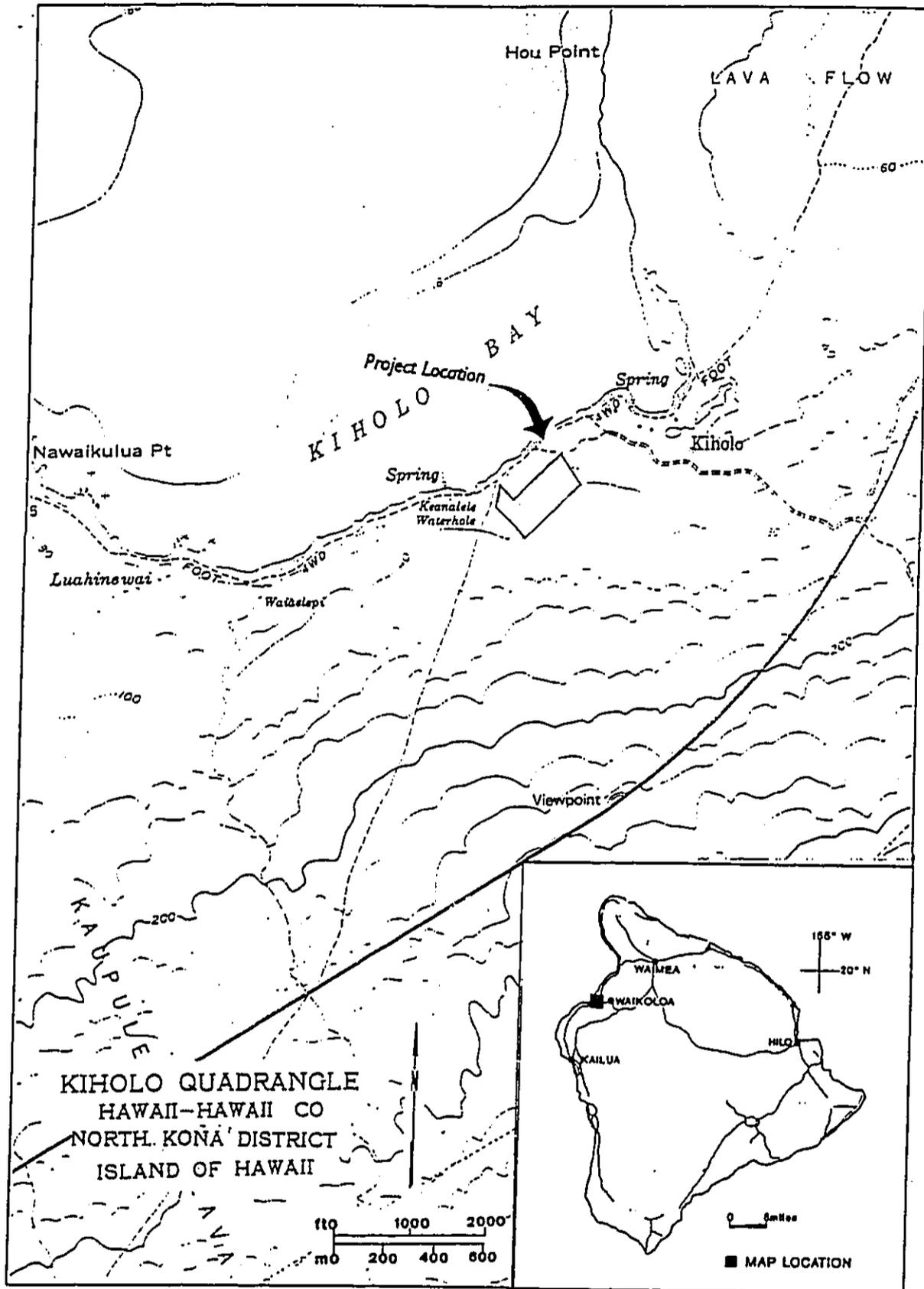


Figure 1. Project Location

Ahupua'a Settlement Patterns and Survey Expectations

The coastal zone of Pu'uwa'awa'a was important for marine subsistence procurement. The Kiholo fishpond was likely in existence in a smaller format prior to the work conducted under the reign of Kamehameha I. The Kiholo Trail links Kiholo Bay with the coastal fishponds and ceremonial areas of 'Anaeho'omalu to the north (Cordy 1987) and Ka'ūpūlehu to the south. The fishpond, major trail, and residence of significant *ali'i* at Kiholo indicate that this was an important settlement, probably similar to the chiefly centers known for the Kailua area during prehistory (Cordy 1995). Beyond the area circumscribed for the *ali'i*, the scattered shelters inhabited by fishermen observed in the early 1800s probably reflect the settlement distribution and subsistence activity of the commoners as it existed for centuries.

The prehistoric settlement pattern of the entire *ahupua'a* of Pu'uwa'awa'a was probably similar to that observed in other parts of the Kekaha. In Kaloko, the vast majority of households are those of commoners. Permanent residences were focused in the coastal area, with some located further inland, and agricultural walled fields were located in the higher elevations (Cordy et al. 1991:522). The high chief resided at the coastal, fishpond community. Information from coastal sites in nearby Kalāluipua'a to the north suggests that many of the habitations along the coast may have been temporary, rather than permanent (Kirch 1979). Consequently, the barren Kekaha region in this part of North Kona may have been best dealt with in a pattern of "upland residence and agricultural activity, with repeated intermittent occupation of coastal sites" (Kirch 1979:186). Burials occur at both Kaloko and Kalāluipua'a.

The limited archaeological data to date from the project vicinity suggests that the pattern of temporary use focused on marine exploitation may best explain the Pu'uwa'awa'a pattern. Consequently, small structures representing temporary and repeated use for the exploitation of marine resources, including salt manufacture, can be expected in the project area. Habitation is just as likely to have occurred in caves as in stone structures on the surface. Larger, more permanent habitations cannot be ruled out, however. Trails and cairns are also likely in the project area. Walls built during the ranching period may also be present.

FIELDWORK

Robert B. Rechtman, Ph.D. and PHRI Field Archaeologist Bruce Gothar conducted fieldwork August 16-17, 1999. On September 21, 1999, Dr. Rechtman and Mr. Gothar returned to the study area with another PHRI Field Archaeologist, Suzan Keris for an additional day of fieldwork.

Methods

During the primary field investigation, the entire project area was subject to an intensive pedestrian surface reconnaissance. The field crew walked transects over the entire study area and beyond with a 5-meter spacing interval. All sites encountered were marked with flagging tape during the reconnaissance. Once the survey was complete, the sites were mapped in relation to one another, the existing access road, and the existing Bakken property boundaries. Any sites identified in the area of the proposed caretaker house were to be mapped and described in detail (inventory level); while sites found elsewhere within the study area were to have their locations recorded on the overall map, with only a sketch map and a verbal description prepared (reconnaissance level). Black and white photographs were taken of selected features. During the September 21st field visit the investigators focused their efforts on locating the Historic Kiholo Bay/Huehue Ranch Trail. Additional photographs of previously identified features were also taken.

Findings

The portion of the study area that lies *makai* of the current access road has been significantly altered by mechanical means; evidence of past grading and bulldozer activity is apparent. No sites were found in this area. In the area to the southwest of the existing Bakken parcel, particular attention was paid to identifying the course of the historically (and archaeologically) documented Kiholo Bay/Huehue Ranch Trail. This trail was in fact identified, but was found to be outside of the project area (Figure 2).

Within and immediately adjacent to the study area, thirteen sites (excluding the trail) containing a total of fifty-one features were identified. All of these sites are considered to have been temporary habitations associated with the procurement of coastal resources. Six of the sites are located outside of the nine-acre project area, but were recorded to help with identifying a location for the proposed rerouting of the access

road (see Figure 2). All thirteen sites, and their features, are summarized in Table 1 and are described below.

Table 1. Summary of the 13 Recorded Sites

SIHP No.*	Feature No	Feature Type	Size (m.)	Opening [†]	Condition
21776	A	C-shape	4.0 x 4.0	330°	Good
	B	C-shape	5.3 x 4.8	320°	Poor
	C	C-shape	3.0 x 2.8	280°	Fair
	D	C-shape	5.0 x 4.5	0°	Poor
	E	C-shape	4.0 x 4.0	314°	Fair
	F	C-shape	3.8 x 3.8	350°	Fair
21777	-	U-shape	11.5 x 8.8	332°	Fair
21778	-	C-shape	4.3 x 3.8	325°	Good
21779	A	C-shape	3.4 x 4.3	310°	Good
	B	C-shape	4.3 x 4.3	8°	Good
	C	C-shape	6.2 x 6.7	335°	Good
21780	A	Modified overhang	-	-	Fair
	B	C-shape	3.2 x 3.2	290°	Good
	C	C-shape	4.6 x 3.9	340°	Good
	D	C-shape	3.5 x 3.5	290°	Good
	E	C-shape	4.2 x 4.3	308°	Fair
	F	Poss. quarry	-	-	Good
	G	Slick	-	-	Good
21781	A	C-shape	3.5 x 4.1	270°	Fair
	B	C-shape	2.8 x 3.6	290°	Fair
	C	Stone pile	-	-	Fair
	D	C-shape	4.2 x 4.3	290°	Fair
21782	A	C-shape	3.0 x 3.5	320°	Good
	B	C-shape	4.0 x 3.8	320°	Good
	C	C-shape	4.5 x 4.5	330°	Good
	D	C-shape	3.5 x 3.8	320°	Fair
21783	A	C-shape	3.3 x 3.9	280°	Good
	B	C-shape	4.2 x 4.2	320°	Good
	C	C-shape	3.6 x 3.6	270°	Good
	D	C-shape	4.1 x 4.4	330°	Good
	E	U-shape	6.6 x 5.8	325°	Good
21784	-	Blister shelter	-	-	Good
21785	A	Platform	-	-	Fair
	B	Lava tube shelter	-	-	Good
	C	Poss. quarry	-	-	Good
	D	Poss. quarry	-	-	Good
21786	A	C-shape	6.3 x 4.8	300°	Fair
	B	Enclosure	9.6 x 7.5	260°	Good
	C	C-shape	3.7 x 3.7	285°	Good
21787	A	C-shape	4.5 x 4.5	285°	Fair
	B	C-shape	3.5 x 3.5	305°	Fair
	C	C-shape	3.6 x 3.6	300°	Good
	D	C-shape	4.2 x 4.2	320°	Good
	E	C-shape	4.0 x 5.3	320°	Fair
	F	C-shape	4.9 x 5.3	320°	Poor
	G	Stone pile	-	-	Fair
	H	Slick	-	-	Good
21788	A	Enclosure	2.3 x 1.5	300°	Good
	B	Enclosure	2.5 x 2.0	120°	Good
	C	Enclosure	2.4 x 2.0	290°	Good
	D	Enclosure/Overhang	2.0 x 1.5	300°	Good

*State Inventory of Historic Places number.

† Orientation angle of enclosure openings in degree true north.

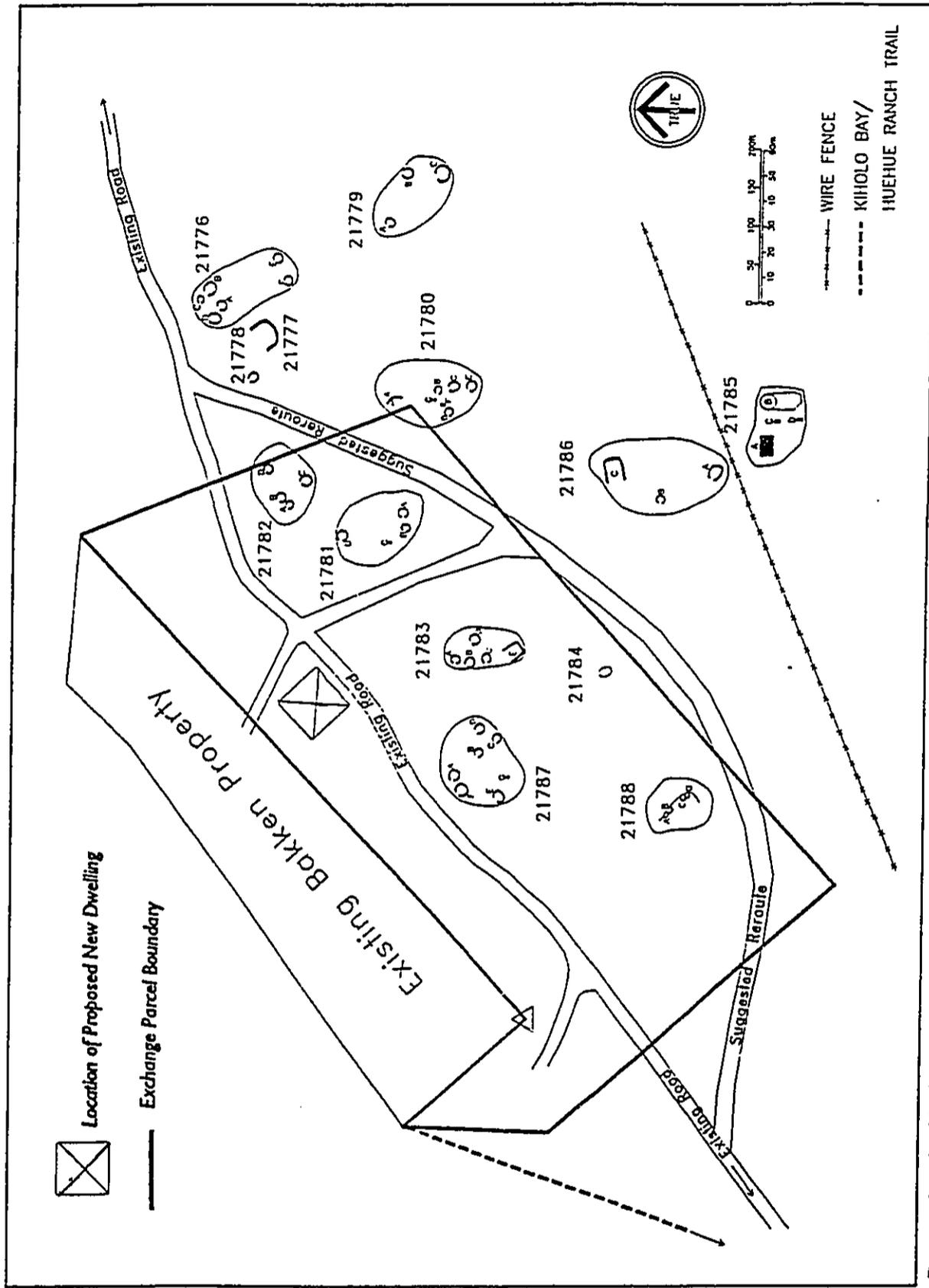


Figure 2. Details of Study Area

SIHP 21776

Site 21776 comprises six C-shaped structures on *pāhoehoe* (see *Figure 2*) with a light scatter of marine shell, predominantly cowry. All of the structures are 2-3 courses of stacked *pāhoehoe* slabs and boulders with a maximum height of 25 centimeters. This site has been damaged by past tracked-vehicle operation. Feature A is 4.0 meters x 4.0 meters with the opening oriented 330°. The interior of the enclosure is clear. Feature B is 5.3 meters x 4.8 meters with the opening oriented 320°. The walls of this structure have been heavily damaged by the operation of heavy machinery. Feature C is 3.0 meters x 2.8 meters with the opening oriented 280°. The interior of the enclosure is clear. Feature D is 5.0 meters x 4.5 meters with the opening oriented 0°. The interior of the enclosure is clear. Feature E is 4.0 meters x 4.0 meters with the opening oriented 314°. The interior of the enclosure is clear. Feature F is 3.8 meters x 3.8 meters with the opening oriented 350°. The interior of the enclosure is clear.

SIHP 21777

This site is a single U-shaped structure 11.5 meters x 8.8 meters with an opening oriented 332° (see *Figure 2*). The walls of the structure are piled *pāhoehoe* slabs and chunks to a maximum height of 1.1 meters. There is a 3-meter diameter clear area in the center of the enclosure. The area in front of the opening contains a scattered of marine shell.

SIHP 21778

This site is a single C-shaped enclosure 4.3 meters x 3.8 meters, with the opening oriented 324° (see *Figure 2*). The piled *pāhoehoe* walls are a maximum of 23 centimeters tall. The interior of the enclosure is free of stones and no shell was observed within or near the structure.

SIHP 21779

SITE 21779 is three C-shaped enclosures constructed of piled *pāhoehoe* with a light scatter of marine shell between the features (see *Figure 2*). Feature A is 3.4 meters x 4.3 meters with the opening oriented 310°. The walls are 20 centimeters high and the interior of the enclosure is clear. Feature B is 4.3 meters x 4.3 meters with an opening oriented to 8°. The walls are 30 centimeters high and the interior is clear. Feature C is 6.2 meters x 6.7 meters with an opening oriented 335°. The walls are 30 centimeters high and the interior is clear.

SIHP 21780

This site comprises four C-shaped enclosures, a modified overhang, a grinding slick, and a possible quarry feature (see *Figure 2*). Marine shell is scattered between features. Feature A is a modified overhang, 10.2 meters long. There are three pavement areas and a short wall to the west of the overhang, which has a linear pile of rocks along its lip. Feature B is a C-shape enclosure 3.2 meters x 3.2 meters with the opening oriented 290°. The walls are 30 centimeters high and the interior of the enclosure is clear. Feature C is a C-shape enclosure 4.6 meters x 3.9 meters with the opening oriented 340°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature D is a C-shape enclosure 3.5 meters x 3.5 meters with the opening oriented 290°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature E is a C-shape enclosure 4.2 meters x 4.3 meters with the opening oriented 308°. The walls are 35 centimeters high and the interior of the enclosure is clear. Feature F is a broken area in the *pāhoehoe* with slabs and chunks of rock missing. The missing rocks appear to have been used in the construction of the C-shaped enclosures. The area of the possible quarry is roughly 1 meter x 2 meters. Feature G is a 30 centimeter by 60 centimeter smoothly ground surface on the *pāhoehoe*. This grinding slick is virtually level with the surrounding surface but has a polished appearance and is distinct to the touch (*Figure 3*).

SIHP 21781

This site comprises four features with a light scatter of marine shell between the features. Feature A is a C-shape enclosure 3.5 meters x 4.1 meters with the opening oriented 270°. The walls are 12 centimeters high and the interior of the enclosure is clear. Feature B is a C-shape enclosure 2.8 meters x 3.6 meters with the opening oriented 290°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature C is a stone pile 30 centimeters x 40 centimeters consisting of 4 *pāhoehoe* chunks. Feature D is a C-shape

enclosure 4.2 meters x 4.3 meters with the opening oriented 290°. The walls are 20 centimeters high and the interior of the enclosure is clear.

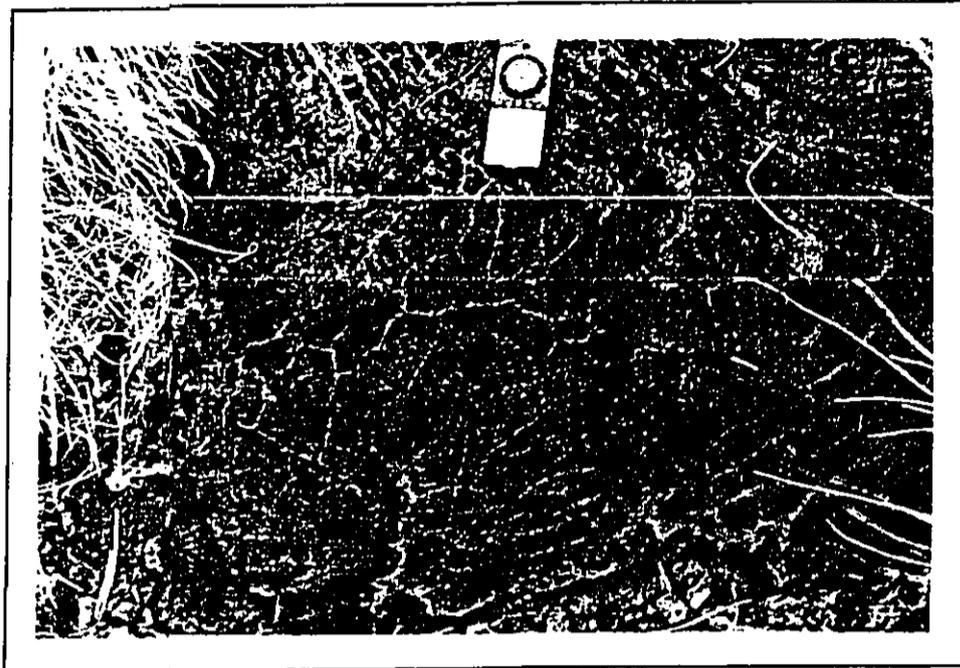


Figure 3. Grinding Area on Pāhoehoe, SIHP 21780, Feature G

SIHP 21782

This site contains four C-shaped enclosures, no marine shell was observed on the surface (see Figure 2). Feature A is 3.0 meters x 3.5 meters with the opening oriented 320°. The walls are 20 centimeters high and the interior of the enclosure is clear. Feature B is 4.0 meters x 3.8 meters with the opening oriented 320°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature C is 4.5 meters x 4.5 meters with the opening oriented 330°. The walls are 30 centimeters high and the interior of the enclosure is clear. Feature D is 3.5 meters x 3.8 meters with the opening oriented 320°. The walls are 25 centimeters high and the interior of the enclosure is clear.

SIHP 21783

Site 21783 has five features, four C-shapes and one U-shaped enclosure (see Figure 2). Feature A is a C-shape enclosure 3.3 meters x 3.9 meters with the opening oriented 280°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature B is a C-shape enclosure 4.2 meters x 4.2 meters with the opening oriented 320°. The walls are 20 centimeters high and the interior of the enclosure is paved with small pāhoehoe fragments. Feature C is a C-shape enclosure 3.6 meters x 3.6 meters with the opening oriented 270°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature D is a C-shape enclosure 4.1 meters x 4.4 meters with the opening oriented 330°. The walls are 30 centimeters high and the interior of the enclosure is clear. Feature E is a U-shape enclosure 6.6 meters x 5.8 meters with the opening oriented 320°. The walls are 35 centimeters high and the interior of the enclosure is paved with small pāhoehoe fragments.

SIHP 21784

This site is a small blister shelter (see Figure 2). The opening is 40 x 70 centimeters with an interior space of roughly 9 square meters. There is no soil within the shelter, but some marine shell was noted.

SIHP 21785

This site is located *mauka* of the subject parcel and contains four features (see *Figure 2*). Feature A is a platform measuring 8 meters x 5 meters, 1 meter high. The center area of the feature has been disturbed and is only 40 centimeters high, the missing rocks are scattered around the feature (*Figure 4*). Feature B is a collapsed lava tube shelter. The feature possesses a substantial midden deposit both within its protected area as well as in front of the entrance (*Figure 5*). In addition to marine shell, volcanic glass, and coral, preserved organic material was observed. Pieces of gourd and *lauhala* are present on the floor of the deposit. In a natural shelf near the ceiling of the shelter were placed the remains of a human infant. These remains rest on a *lauhala* mat and were wrapped in patterned cotton fabric, and are obviously historic in age. Features C and D are possible quarry areas in the *pāhoehoe* where the rocks for Feature A may have derived.

SIHP 21786

Site 21786 contains three structures within an area of light midden scatter (see *Figure 2*). Feature A is a C-shape enclosure 6.3 meters x 4.8 meters with the opening oriented 300°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature B is a large oval enclosure 9.6 meters x 7.5 meters with an opening oriented 260°. The walls of the enclosure are stacked and faced to a height of 1.5 meters, and the northern end of the structure has collapsed. The interior of this enclosure is clear. Feature C is a C-shape enclosure 3.7 meters x 3.7 meters with the opening oriented 285°. The walls are 15 centimeters high and the interior of the enclosure is clear.

SIHP 21787

This site comprises eight features, six C-shapes, a stone pile, and a grinding surface (see *Figure 2*). Feature A is a C-shape enclosure 4.5 meters x 4.5 meters with the opening oriented 285°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature B is a C-shape enclosure 3.6 meters x 3.6 meters with the opening oriented 300°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature C is a C-shape enclosure 4.2 meters x 4.2 meters with the opening oriented 320°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature D is a C-shape enclosure 4.0 meters x 5.3 meters with the opening oriented 320°. The walls are 25 centimeters high and the interior of the enclosure is clear. Feature E is a C-shape enclosure 4.9 meters x 5.3 meters with the opening oriented 320°. The walls are 30 centimeters high and the interior of the enclosure is clear. Feature F is a C-shape enclosure 3.5 meters x 3.5 meters with the opening oriented 305°. The walls are 15 centimeters high and the interior of the enclosure is clear. Feature G is a stone pile roughly 3 meters x 3 meters and 60 centimeters high. Feature H is a 30 centimeter x 60 centimeters area on the *pāhoehoe* that has been ground smooth. The ground area is locally sloped at about a 20° angle.

SIHP 21788

Site 21788 is a series of four enclosures (see *Figure 2*) constructed against a highly fractured flow that is elevated 1 meter above the surrounding *pāhoehoe*. The elevated flow contains no sites. Shell, volcanic glass, and coral pieces were observed on the ground surface around the features. Feature A is an enclosure 2.3 meters x 1.5 meters with the opening oriented 300°. The walls are a single course of stones high and the interior of the enclosure is clear. Feature B is an enclosure 2.5 meters x 2.0 meters with the opening oriented 120°. The walls are a single course high and the interior of the enclosure is clear. Feature C is an enclosure 2.4 meters x 2.0 meters with the opening oriented 290°. The walls are a single course high and the interior of the enclosure is clear. Feature D is an enclosure 2.0 meters x 1.5 meters with the opening oriented 300°. The walls are 2 to 3 courses high and the interior of the enclosure is clear. The enclosure is constructed against a small overhang that extends into the upper flow about 1.1 meters. Within the overhang a few pieces of shell are present.



Figure 4. Site 21785, Feature A



Figure 5. Site 21785, Feature B

Discussion

The sites encountered during this field investigation can be characterized as typical North Kona coastal habitations that were intermittently occupied over a short period of time. Similar types of sites at Kalāhuipua'a (Kirch 1979) have been received a similar interpretation. Within the current study area, 33 C-shapes were recorded (*Figure 6*). The range in variation (orientation and size) is minimal. However, a bimodal distribution is noted in opening orientation, modes of 290° and 320° are observed. This variation may have some correlation to season and slight changes in the prevailing wind.

Based on the observed limited midden scatters (excluding Site 21785), the intensity of occupation seems slight. The presence of a grinding surface among house clusters, in at least two of the sites, suggests that communal occupational activities were taking place in the residential areas. The residents of these sites were likely engaged in marine exploitation (shellfish collecting, fishing, and salt manufacture) and were perhaps making the tools in the residential areas needed to carry out these activities.

The larger U-shaped (*Figure 7*) and oval enclosures (n=3) appear to have also served a residential function, albeit slightly different than that of the C-shaped enclosures. The construction of these features is similar to the small structures and the cultural debris observed in and around the feature is similar, but the scale of construction is greater. These larger structures may have function as communal eating and sleeping structure, like the men's houses described in the ethnohistoric literature. If so, then space within these temporary residential sites was organized in such a way as to mirror the organization of the more permanent formal villages. It also suggests a pre-Contact age for the sites. Aside from the burial in Site 21785, no historic material was observed at any of the features in the project area.

SIGNIFICANCE EVALUATIONS

The resources encountered during the field phase of the current project are assessed for their significance based on criteria established and promoted by the DLNR-SHPD and contained in draft Hawaii Administrative Rules 13§13-275, dated 1998. These significance evaluations should be considered as preliminary until DLNR-SHPD provides concurrence. For resources to be considered significant they must possess integrity of location, design, setting, materials, workmanship, feeling, and association and shall meet one or more of the following criteria:

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

All of the sites documented as part of this study are considered significant under Criterion D. Additionally, because of the presence of human remains within Site 21785, this site is considered significant under Criterion E as well.



Figure 6. Typical C-shaped Enclosure in Project Area

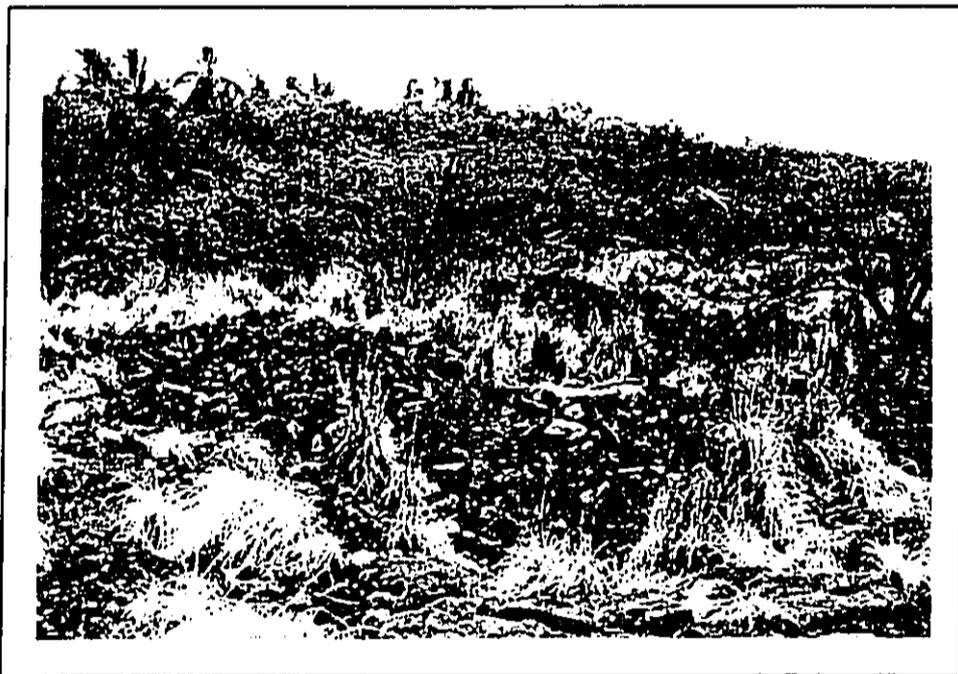


Figure 7. Typical U-shaped Enclosure in Project Area

RECOMMENDATIONS

A typical inventory survey assesses the impacts that a proposed potentially destructive undertaking might have on historic properties, and results in a set of treatment recommendations for identified significant resources. The current study is not typical in that there are no resources that will be directly negatively impacted by the proposed action, and thus there are no treatment recommendations to offer. The proposed land exchange will have no adverse effects on the Historic Kiholo Bay/Huehue Ranch Trail, as this feature is not within the nine-acre parcel of land, and will be retained by the state.

If constructed *makai* of the existing access road, as proposed, the caretaker residence will not affect any known historic properties. The existing access road can be rerouted within the nine-acre parcel of land so as to not directly impact any of the recorded sites. A suggested rerouting is shown in *Figure 3*. In this suggestion the new road will depart from the existing road on the Kawaihae (northeast) side of the historic trail, so as to avoid it completely. The proposed road will be well *makai* of Site 21785 to reduce the potential for indirect impacts to that site, and will then rejoin the existing road on the immediate Kawaihae side of the current Bakken property. The seven archaeological sites that exist within the nine-acre parcel of land will become part of a private land-holding and thus are likely to be afforded a greater level of protection than they currently receive.

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APPENDIX 4B

ARCHAEOLOGICAL REPORT, LYNN PARCEL

81
207
1982

**AN ARCHAEOLOGICAL RECONNAISSANCE SURVEY OF A THREE-ACRE
PARCEL AT KIHOLO, NORTH KONA, HAWAII (TMK 7-1-02:2)**

by

Hamilton M. Ahlo, Jr.

March, 1982

Prepared for

**Carlsmith, Carlsmith, Wichman & Case
Kailua-Kona, Hawaii**

**Science Management, Inc.
830 Ala Moana Blvd., Suite 220
Honolulu, Hawaii 96813**

INTRODUCTION

At the request of Mr. Robert D. Triantos, Esq. of Carlsmith, Carlsmith, Wichman and Case (Attorneys at Law), Science Management, Inc. conducted an archaeological reconnaissance survey of a three-acre parcel (TMK 7-1-02:2) fronting Kiholo Bay within the ahupua'a of Pu'u Wa'awa'a, North Kona, Hawaii.

The Society for Hawaiian Archaeology, a statewide professional organization, has adopted a set of minimum standards for reconnaissance survey reports. The County of Hawaii is now in the process of incorporating these standards in their regulations. The intent of an archaeological reconnaissance survey, as described by those standards is:

- A. To determine the presence or absence and general nature of archaeological resources;
- B. To arrive at a preliminary evaluation of those resources by surface survey and subsurface testing, as necessary;
- C. To determine whether further archaeological work is necessary; and
- D. To record data from those sites that do not warrant further investigation.

This report complies with those standards and includes all the elements above.

The author wishes to acknowledge the assistance of several individuals on this project. Mr. Corky Brian and Mr. Robert Keakealani of Pu'u Wa'awa'a Ranch and Mr. Charles Okino of the State Survey Division, Department of Accounting and General Services provided valuable information with regard to past use of the study area. Ms. Virginia Goldstein of the County of Hawaii Planning Department assisted the

author in determining whether any previous surveys had been conducted in the area and whether any known but unrecorded sites existed nearby. Dr. Don Hibbard of the State Historic Preservation Office assisted in determining the significance of the salt pans on the parcel. Errors of omission and commission remain, of course, the responsibility of the author.

BACKGROUND

Environment

The area covered by this survey, totaling three acres (1.2 hectares), extends northeasterly from the Kaupulehu lava flow of 1800-1801 about 600 feet (183 meters) roughly paralleling the shore on the southwestern end of Kiholo Bay. At its southwest end it is 240 feet (73 meters) from the shoreline and at its northeast end, 120 feet (37 meters). It extends inland approximately 200 feet (61 meters) from its seaward boundary. The survey area is located in Figures 1 and 4. Figure 1 is taken from the USGS 7½-minute Kiholo quadrangle. Figure 4 is a section of a current tax map of the area.

The survey area is relatively level, though it is slightly higher along its inland margin. The maximum elevation on the property is approximately 20 feet (six meters). The area is classified by the U.S. Soil Conservation Service (1973:51) as rockland, a "miscellaneous land type that consists of pahoehoe lava bedrock covered in places by a thin layer of soil material. The dominant slope is between ten and 15 percent. Pahoehoe outcrops occupy 50 to 90 percent of the surface" (*ibid.*). The subject property is covered to varying depths with bio-carbonate and basalt sand though pahoehoe outcrops occur over at least 50 percent of the area. The sand deposits appear quite thin, though in the northwestern corner of the property they may extend down several feet. Rainfall in the area averages less than 30 inches (76 centimeters) per year and mean temperatures vary between 78 and 85 degrees Fahrenheit (21 to 29 degrees Celsius) (Armstrong, 1973:57).

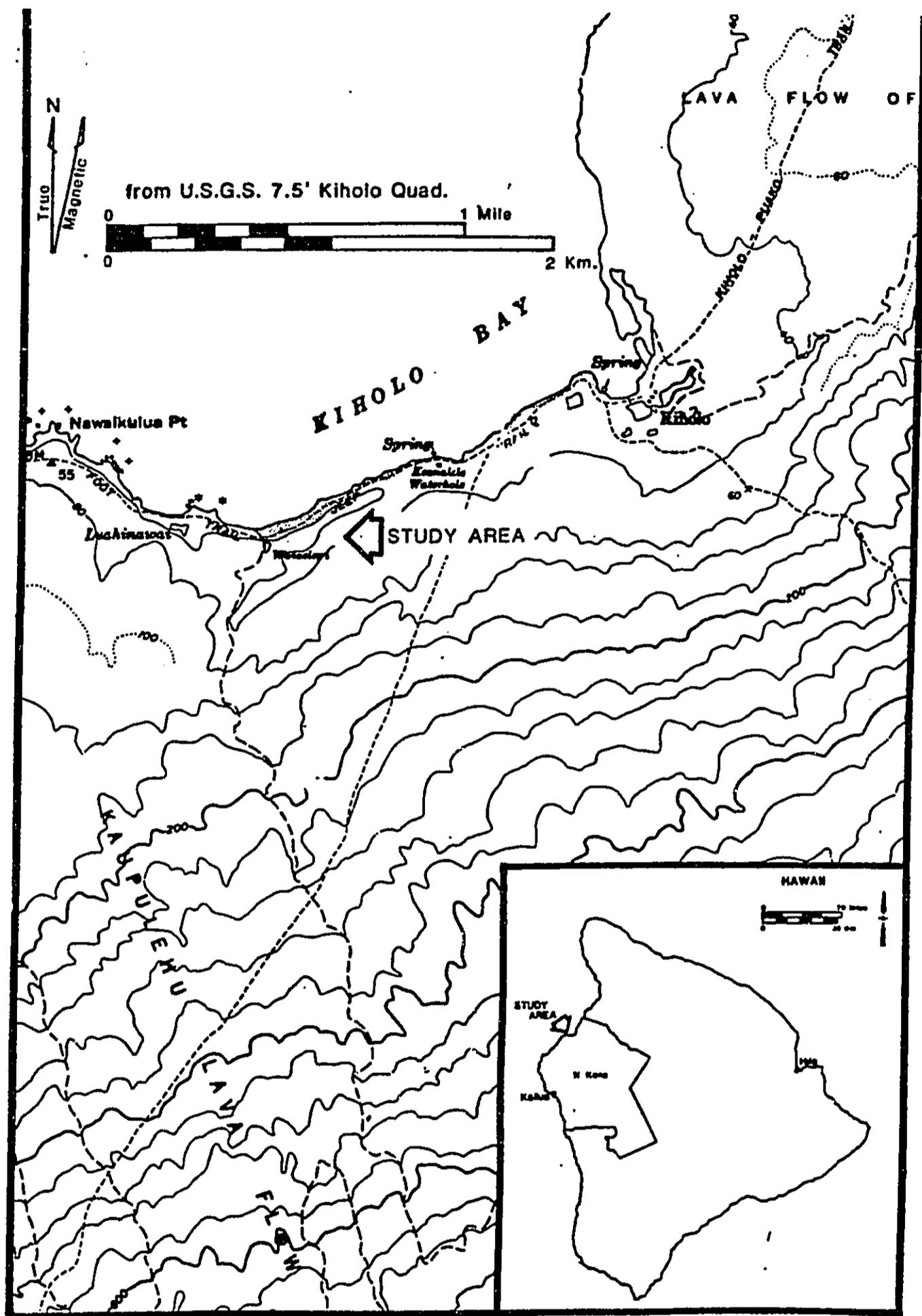


Figure 1

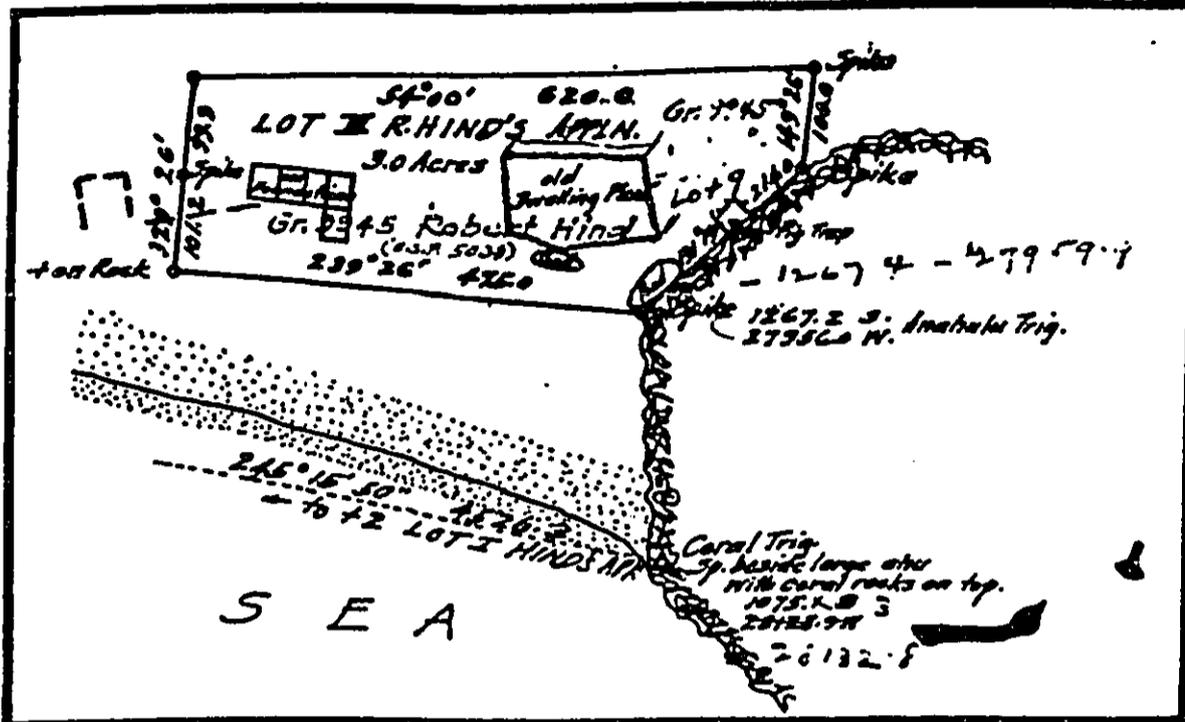


Fig. 3. Detail from Reg. Map 2767. June, 1927

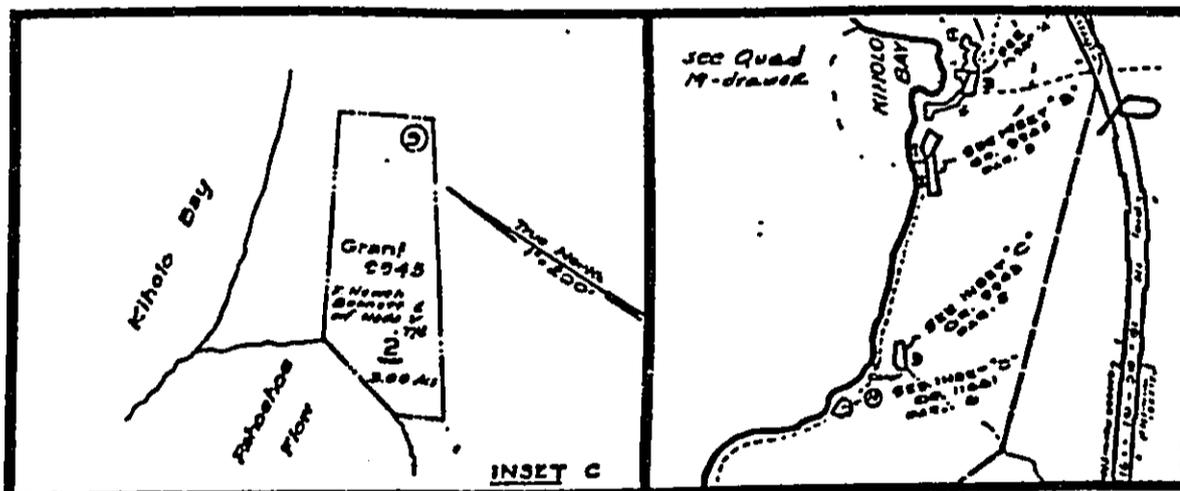


Fig. 4. Section from Tax Map 7-1-02.

Vegetation in the area consists primarily of klawe (Prosopis pallida), opiuma (Pithecellobium dulce), noni (Morinda citrifolia) and various grasses and shrubs.

A shallow brackish water pond is visible at the southwestern corner of the property. The pond is labeled Waiaelepi on maps dating from 1882 (see Figure 2). It is almost completely covered by algal mats and various shrubs grow along its perimeter. A second, smaller pond reported approximately 80 feet to the northeast was entirely covered by shrubs (see Figure 3, a 1927 map).

To the south and west of the parcel is the Kaupulehu lava flow. It originated on the western flank of Hualalai and flowed northerly for about ten miles (18.5 kilometers) to the shore. The date of the flow is probably 1800 or 1801. The only western observer to witness it was John Young, a British seaman who became an adviser to Kamehamea I. Though he didn't keep a written record, he did give an approximate date of the flow to the Rev. William Ellis in 1823. The flow is 15 to 20 feet (4.5 to 6.0 meters) higher than the study area. It may have covered a portion of Waiaelepi pond.

The shoreline immediately seaward of the parcel is composed of basalt sand and gravel deposits punctuated with pahoehoe outcrops. The massive sand berm along the beach probably protects the property during periods of high surf.

History

Relatively little is known of the history of the Kiholo area. The major settlement in the area was approximately one mile (1.6 kilometers) northeast of the study area. There, a number of walled fishponds are

visible inland of the beach. A small lagoon at the northeast end of Kiholo Bay may be the remnant of a fishpond that was destroyed in the 1859 lava flow from Mauna Loa.

The north-south coastal trail passes immediately seaward of the subject property and continues south on the Kaupulehu flow. The portion of the trail across the flow was probably improved in the 1870s by the Government to facilitate travel between Kailua and Waimea. The trail probably passed along the beach (about where the jeep road is now) for the length of Kiholo Bay.

The area from Kailua north to Anaeho'omalu was sometimes referred to as Kekaha wai'ole, "desolate land without water" (Kelly, 1973:75). Captain George Vancouver, who sailed past the area in 1794 described it as "uninteresting, being chiefly composed of volcanic matter, producing only a few detached groves of cocoa nut trees, with the appearance of little cultivation and very few inhabitants" (Vancouver, 1798, Vol. 3, p. 62).

The Rev. William Ellis gives the following account of his trip through the area:

About four in the afternoon I landed at Kihoro [Kiholo], a straggling village, inhabited principally by fisherman. A number of people collected to whom I addressed a short discourse, from 1 John i. 7.

This village exhibits another monument of the genius of Tamehameha [Kamehameha I]. A small bay, perhaps half a mile across, runs inland a considerable distance. From one side to the other of this bay, Tamehameha built a strong stone wall, six feet high in some places, and twenty feet wide, by which he had an excellent fishpond, not less than two miles in circumference.

There were several arches in the wall, which were guarded by strong stakes driven into the ground so far apart as to admit the water of the sea; yet sufficiently close to prevent the fish from escaping. It was well stocked with fish, and water fowl were seen swimming on its surface.

(1963:294,296)

J. Ka'akua of North Kona made the following observations:

In the year 1810, the Kiholo pond was built, during the reign of Kamehameha I. It was a fishpond in which many kinds of deep sea fish were kept and in the year, in the reign of Kamehameha IV Kiholo is closed by lava. It is now only a heap of lava rocks.

The protestant church that stood at Kiholo was removed when the lava flow drew near. The people thought that it would be burned down, so they razed it and took the lumber away lest it be destroyed. But when the lava flow came it went around the site leaving it untouched. There is a circle of lava rocks surrounding it and the spot where the church stood remains like a grave . . .

(Ka'akua, 1859 in Kelly, 1973:92)

The west Hawaii coast, between Kailua and Kalahuipua'a, still retains numerous brackish water anchialine ponds scattered along the rugged lava flows. In addition, there are several large fishponds constructed along low lying coastal embayments (e.g., Kaloko, Kalahuipua'a). The great pond of Kamehameha was probably a similar structure though apparently on a much larger scale. The existing lagoon at the northeast end of Kiholo Bay may be a remnant of outlier ponds associated with the large pond or a remnant of the great pond itself.

It appears from the little documentary material available that inhabitants of Kiholo probably clustered near the northeast end of the bay where the houses today are located. The ponds there would have necessitated caretakers and the extant coconut grove and more sheltered aspect would have made it a more desirable area for settlement than further south along the bay. An 1882 map by surveyor J. S. Emerson (Figure 2) located a number of structures in this area. Since Emerson made an effort to locate structures on his map and name their owners, the absence on his map of any structures in the vicinity of the study area is significant.

There have been no recent archaeological surveys on or adjacent to the subject property. John Reinecke (ms.) noted several sites near the northeast end of the bay in 1930. These were primarily small shelters and platforms. Ms. Virginia Goldstein (personal communication) informed the author that a Holua slide and petroglyphs exist in the vicinity (though not adjacent to or on the subject parcel). These latter sites are as yet unrecorded. Surveys and excavation conducted further inland in conjunction with the construction of Ka'ahumanu Highway revealed no unique pattern of land use. Rather, the activities that were represented by the material found during that study were those common to coastal and upland areas, except for possible hunting of the Hawaiian goose or nene (Ching, 1971; Rosendahl, 1973:66). Temporary shelters and mauka-makai foot trails also suggest that the barren zone above the highway corridor may not have been used prehistorically except by residents in transit from the coast to the uplands and vice-versa.

The types of sites that would be expected along the coast near Kiholo would include small residential clusters evidencing near shore as well as offshore fishing, salt production, gathering of flora/fauna from the strand and perhaps limited agricultural activities.

SURVEY RESULTS

The subject parcel was surveyed on Sunday, February 28, 1982. On the basis of a pre-field check of reports and maps at the State Historic Preservation Office, there appeared to have been no previous work on or adjacent to the subject parcel. The field inspection was conducted by the author who was assisted by Mr. Norman Wessel, Mr. Robert Triantos and Mr. William Moore. The entire subject property was examined on foot for evidence of archaeological material. Though occasional trees made straight-line transects impossible, three survey sweeps sufficed to cover the entire area.

Almost the entire parcel appears to have been bulldozed. Piles of rock with bulldozer scars and bulldozer track patterns on the pahoehoe outcrops support this interpretation. In addition, Mr. Corky Brian of Pu'u Wa'awa'a Ranch later informed the author that bulldozing did occur about ten years ago.

The area is littered with a sparse scatter of historic debris. A four wheel drive road along the seaward edge of the property on the beach allows vehicular access to the area and people frequently camp here.

Only two sites were located on the property. A third site labeled on the 1927 map (Figure 3) "pig trap" could not be found. Both of the sites are historic and relate to ranching activities at Pu'u Wa'awa'a. Both sites were assigned numbers according to the numbering system used by the State Historic Preservation Office. In this system the

complete designation of each site has four numerical terms (e.g., 50-10-19-9802): the first term indicates the state, the second the island, the third the USGS 7½-minute quadrangle, and the fourth a unique site number. These numbers are assigned so that the State Historic Preservation Office can maintain a record of all sites recorded regardless of their significance or importance.

Site 50-10-19-9802

This site is a cattle enclosure that was evidently abandoned relatively recently. A low wall (ca. 20 to 40 cm. high) of basalt stones encloses a slightly elevated area at the south end of the surveyed parcel. A few fence posts and galvanized steel fencing are still in place at the north end of the enclosure. Fence posts that once supported a gate still stand at the northwest corner of the site. Rolls of galvanized fencing material apparently removed from the enclosure are still present immediately outside the stone wall.

A 1927 map (Figure 3) of the parcel shows an enclosure of the same size. It is labeled "old dwelling place." The enclosure is roughly rectangular, measuring 140 feet by 100 feet (ca. 43 by 30.5 meters). No surface features of any kind were observed within the walls. The remnant holes of two large uprooted trees within the enclosure were examined for evidence of subsurface material. Except for a substantial deposit of cow manure, the soil present consisted almost entirely of basalt gravel and basalt/biocarbonate sand.

The large size of the enclosure, and the absence of portable artifacts and midden material (living debris) on the surface or in the upended tree roots, together with the absence of any internal structures makes it extremely unlikely that the enclosure was in fact a

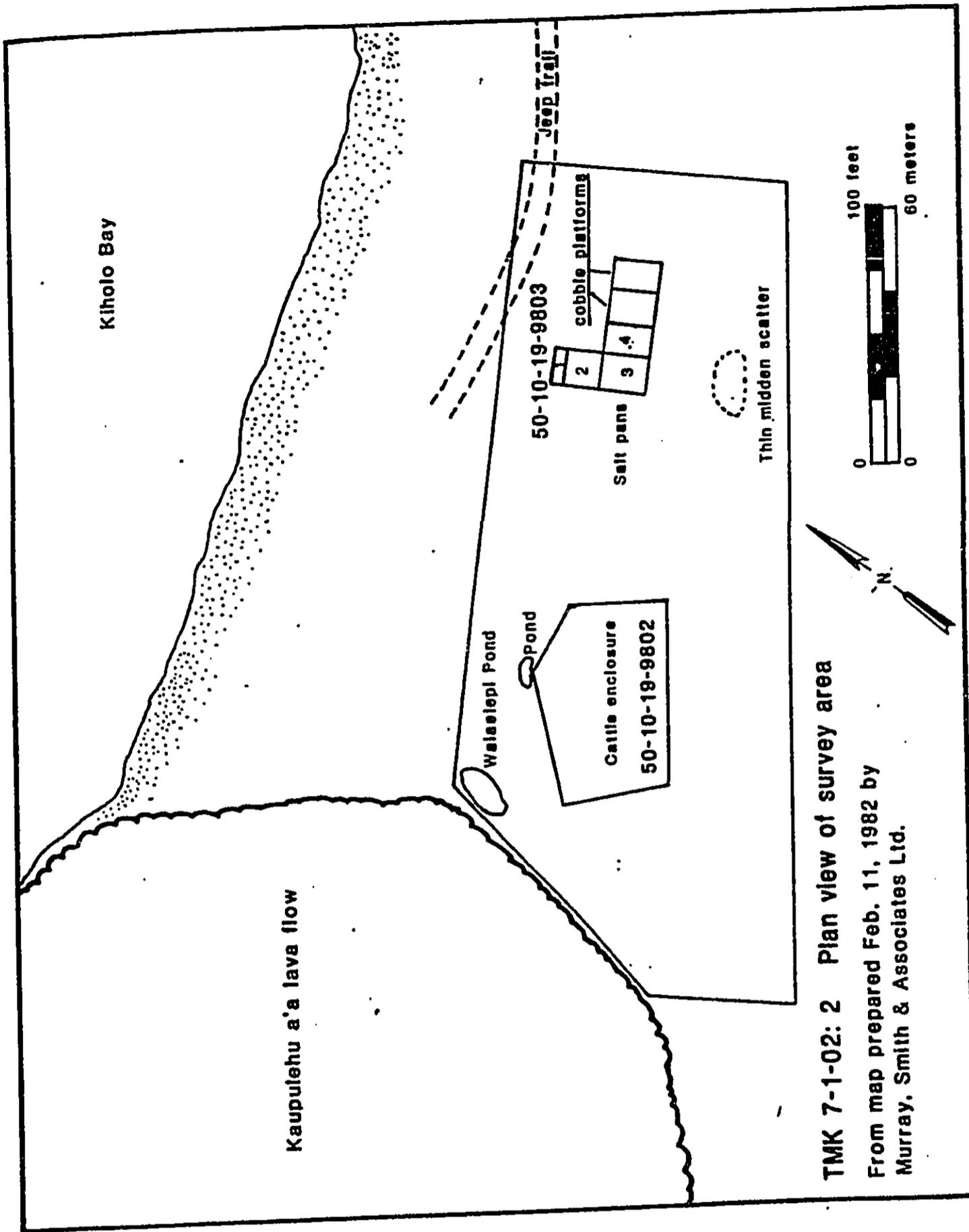
dwelling place at any time. Mr. Robert Keakealani of Pu'u Wa'awa'a Ranch recalls that the pen was used as a temporary holding pen for cattle that were loaded onto ships at Kiholo.

Site 50-10-19-9803

This site consists of four evaporation ponds used for salt making in the 1920s and 1930s and two adjacent cobble platforms. Three of the ponds are constructed of concrete while the fourth is made of asphalt (Pan 3 in Figure 5). Pans 2 and 3 have gently sloping sides forming large bowls with flat bottoms. Pans 1 and 4 have low (ca. 10- to 20-centimeter) walls around their perimeters made of basalt cobbles set in concrete. Two pieces of rusted steel pipe extend through the low cobble/concrete wall of Pan 4. On the northeast edge of Pan 4 are two smaller platforms with a rough cobble/gravel pavement of beach rock. These probably served as foundations for sheds to house tools to store the salt that was manufactured or perhaps as a sleeping house for the caretaker. Mr. Robert Keakealani recalled that there was once a small house adjacent to the pans on which the man who operated the salt works (a Mr. Muller) lived. These platforms, though small, could have supported a small sleeping house. There is no evidence of anything else that resembles a house platform anywhere else on the property. According to Mr. Keakealani the salt pans were abandoned sometime in the late 1930s or early 1940s and haven't been used since.

Significance Evaluations

Site 50-10-19-9802 is of little historic or archaeological interest. It is unlikely to provide any valuable information in history or prehistory



TMK 7-1-02: 2 Plan view of survey area
 From map prepared Feb. 11, 1982 by
 Murray, Smith & Associates Ltd.

Figure 5

and does not appear to meet the criteria of eligibility for inclusion on either the National or State Registers of Historic Places. No further work at this site is warranted.

Site 50-10-19-9803 is of historic interest in that there are few salt works remaining in Hawaii and little recorded data as to the manufacturing process used exist. These pans, however, appear to have been used for a relatively short time, suggesting that they were not commercially successful. Given their relatively small size they could not have produced significant quantities of salt for commercial exchange. The pans are all that is left of the salt works and they do not in themselves possess interpretive potential. Other than the recording of their dimensions and photographing them (as was done during this survey) little additional information could be derived from further investigation. Dr. Don Hibbard, architectural historian with the State Historic Preservation Office, was consulted on the significance of the pans. His view was that though they are of interest, they do not qualify for inclusion on the State or National Registers of Historic Places. (Photographs of the pans are on file with the State Historic Preservation Office.) As such, no further work on the pans is warranted.

Recommendations

Though no significant sites were located on the subject parcel, there is still a possibility that subsurface archaeological material exists in the area. The subject parcel, situated next to a brackish pond and at the northeast end of the trail across Kaupulehu flow, was probably the site of at least some activity prehistorically. A sparse scatter of

shells in one of the areas that had been bulldozed may be prehistoric in origin though it is impossible to establish their age given the disturbed nature of the scatter. The area of Kiholo Beach fronting the subject parcel, however, would have been a logical rest stop for pedestrians heading north or south along the shore.

The depositional history of the Kiholo Beach is unknown. Whether the sands present today have been relatively stable or are a recent deposit has not been determined. If they are recent there may be buried archaeological deposits along the seaward side of the study area.

Given this, it is recommended that any ground disturbance activity along the sandy beach area within the parcel be monitored by a qualified archaeologist. If significant archaeological material is encountered, work should be halted. If possible, the ground disturbance activity should be revised so as not to impact the deposit. If this is not possible, the material should be recovered and analyzed prior to further ground disturbance work.

REFERENCES

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July 7, 1985

MEMORANDUM

TO: Roger Evans, OCEA

FROM: Ralston H. Nagata, State Parks Administrator

SUBJECT: Historic Sites Section Comments on CDUA HA-1500:
Loretta Lynn House Plans
Puuwaawaa, North Kona, Hawaii
TMK: 7-1-02: 2

Thank you for the opportunity to comment on these plans.

Our August 16, 1982 comments on this CDUA supported the recommendations of the applicant's consulting archaeologist. That archaeologist's report recommended that an archaeologist monitor any ground disturbance activity along the sandy beach, because prehistoric remains might be found (Hamilton Ahlo 1982. An Archaeological Reconnaissance of a Three-Acre Parcel at Kiholo, North Kona, Hawaii (TMK 7-1-02:2). H-274 our files.).

However, it appears that the final plans will not impact this area, so we believe the undertaking will have "no effect" on significant historic sites.

RALSTON H. NAGATA

RC/BG:lt

APPENDIX 5

SUPPLEMENT TO CDUA

(Note: This appendix contains additional consultation material related to circulation of draft CDUA among State and County agencies by DLNR after acceptance of Draft EA by DLNR but prior to issuance of EA)

**SUPPLEMENT
TO
CONSERVATION DISTRICT USE PERMIT APPLICATION
TMK: (3) 7-1-02:08 portion & (3) 7-1-02:02
APPLICANTS: Earl E. and Doris J. Bakken,
Trustees of the Bakken Residence Trust**

On August 2, 1999, Mr. Eric Leong, in response to a letter from Roy A. Vitousek, circulated a memorandum regarding the proposed land exchange at Kiholo Bay to various agencies. Mr. Leong provided copies of these comments to me. Most of the comments have already been considered in the development of the CDUA and Draft Environmental Assessment. I have been contacted by Mr. Ed Henry and asked to supplement the CDUA by providing written responses to these internal comments previously received. That is the purpose of this supplemental filing.

Copies of all of these comments are attached in chronological order of response to Mr. Leong. I offer the following responses to these comments:

1. Hawaii Land Division: Harry Yada, August 2, 1999

We are sensitive to the financial constraints of the Land Division, particularly the Hawaii District Office. Throughout the CDUA we proposed that the area was appropriate for development as a State Park. Ralston Nagata has acknowledged that a park has been considered for the Kiholo Bay area. We are aware that funding for such a park is not in place. We have suggested that possibly DOCARE or State Parks would want to use the Lynn residence in the future. In the interim we have proposed that the State consider leasing the home to a non-profit agency such as the Nature Conservancy in exchange for the maintenance and monitoring of activities and resources at Kiholo Bay.

If the exchange is approved and the public is allowed to use the easement, the State would need to participate in the maintenance and liability of the public easement, just as the private owners using this easement currently do.

The applicant will be responsible for the coordination and costs associated with the subdivision of the proposed exchange parcel through the various State and County agencies.

2. Commission on Water Resource Management: Roy Hardy, August 6, 1999

No comment.

3. State Parks: Ralston Nagata, August 16, 1999

Comprehensive studies of the natural and historic resources for both parcels were conducted in the preparation of the Draft Environmental Assessment.

The Lynn home is not appropriate for use as a caretakers cottage as the distance between the two homes is over one mile and the level of security and care that Dr. Bakken seeks could not be provided.

The proposed caretakers home will be heavily landscaped and will have no adverse impact on coastal views and will not be visible from the shoreline fronting the Bakken residence.

We are sensitive to Parks Division's lack of funding to manage the Lynn residence at this time. In the interim we have proposed that the State consider leasing the home to a non-profit agency such as the Nature Conservancy in exchange for the maintenance and monitoring of activities and resources at Kiholo Bay.

4. Division of Forestry and Wildlife: Mike Buck, August 9, 1999

No comment.

5. Engineering Branch: Andrew Monden, August 12, 1999

All development on the proposed exchange parcel will meet with all requirements of the Department of Public Works, including flood control. All development on the proposed exchange parcel will be located in Zone "X", areas determined to be outside of the 500-year flood plain.

6. Department of Water Supply: Milton Pavao, August 24, 1999

It is understood that this area is not served by a municipal water system. Water will be provided to the exchange parcel through the use of the present brackish water desalination plant located on the Bakken's residential parcel.

7. Office of Hawaiian Affairs: C. Sebastian Aloat, August 24, 1999

The issue of ceded lands is a complex issue that certainly extends beyond the scope of this proposed exchange. We believe the value, culturally and naturally, of the Lynn parcel far exceeds the value of the exchange parcel. We believe the fiduciary responsibility of OHA would seem to encourage this exchange.

8. Division of Aquatic Resources: ??, August 26, 1999

No objection.

9. DLNR Planner: Sam Lemmo, September 1, 1999

We are aware a CDUA is required for the proposed subdivision of State property and it has been filed. This is a supplement to that filing. The Bakken's intend to keep the exchange parcel as a separate parcel and the CDUA has been filed requesting the construction of a single-family residence on that property. We understand that it is the responsibility of the Board to determine if the CDUA will be granted for the subdivision of the exchange parcel and the subsequent construction of the proposed residence on that parcel.

10. DOCARE: Charles Nahale, September 7, 1999

The concerns related to the care of the Lynn residence are the same as those raised by Land Division and State Parks. We are sensitive to the financial constraints of DLNR. Throughout the CDUA we proposed that the area was appropriate for development as a State Park. We are aware that funding for such a park is not in place. We have suggested that possibly DOCARE or State Parks would want to use the Lynn residence at some time in the future. In the interim we have proposed that the State consider leasing the home to a non-profit agency such as the Nature Conservancy in exchange for the maintenance and monitoring of activities and resources at Kiholo Bay.

11. Planning Department: Virginia Goldstein, September 8, 1999

It is understood that the exchange parcel is a portion of TMK: (3) 7-1-02:08 and needs to be subdivided from that parcel in order to effect the exchange. That was one of the two purposes for filing the CDUA.

The various land use designations are identified in the CDUA and EA.

The request does require compliance with Chapter 343 HRS. A Draft Environmental Assessment was prepared and submitted with the CDUA on September 29, 1999.

12. Na Ala Hele: Rodney Oshiro, September 23, 1999

In response to a concern raised at a public meeting by OHA Trustee Hannah Springer, Dr. Ron Terry worked with the archaeologist to thoroughly evaluate the Kiholo-Huehue Trail issue. The trail was located on the ground as part of the archaeological survey and it was determined that the trail is not on the subject exchange parcel nor will it be impacted by the proposed realignment of the access easement. The Draft Environmental Assessment contains an extensive discussion of this issue.

We understand that this is a state-owned alignment.

AGENCIES' RESPONSES



AUG 5 2 11 PM '99

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
HONOLULU, HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96808
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999

PSF No.: 99HD-185

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
Location: Kiholo, North Kona, Island of Hawaii
Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
Type of Disposition: Land exchange
Requestor: Mr. Earl and Mrs. Doris Bakken

RECEIVED
DIVISION OF LAND MANAGEMENT
AUG 10 9 51 AM '99

We are in receipt of the subject request dated June 29, 1999 from Mr. Roy Vitousek on behalf of Mr. and Mrs. Earl Bakken (copy attached). Please review and submit any comments within the time requested above. If more time is required or if you have any questions, please feel free to call me at 587-0386.

If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed: *Harry Yada*
Print Name: Harry Yada
Date: 8/2/99

Comments on Proposed Bakken Exchange

1. Although the Hawaii District Land Office does not have a problem with the land exchange in principle, it objects to the acquisition of the existing Lynn home unless it is set aside to another agency for management. Previous such situations have led to significant management problems as the Land Division has limited financial and personnel resources with which to maintain such properties.
2. The division should avoid incurring an obligation for maintenance of existing easements. The areas of the exchange are serviced by two separate partially overlapping easements and the maintenance and liability responsibilities should be resolved to the division's satisfaction.
3. The applicant should be responsible for the coordination and costs in connection with all consolidation and resubdivision actions through the County of Hawaii.

RECEIVED

99 AUG 4 AM 11:46



AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96808
August 2, 1999

Suspense Date: August 31, 1999

PSF No.: 99HD-185

MEMORANDUM

TO:

Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 6 3 37 PM '99

FROM:

Eric Leong, Land Agent *EL*

SUBJECT:

Request for Comments - State Land Disposition
Location: Kiholo, North Kona, Island of Hawaii
Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
Type of Disposition: Land exchange
Requestor: Mr. Earl and Mrs. Doris Bakken

We are in receipt of the subject request dated June 29, 1999 from Mr. Roy Vitousek on behalf of Mr. and Mrs. Earl Bakken (copy attached). Please review and submit any comments within the time requested above. If more time is required or if you have any questions, please feel free to call me at 587-0386.

If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed W. Roy Vitousek
Print Name: Roy Vitousek
Date: 8/6/99

DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks

August 16, 1999

MEMORANDUM:

TO: Eric Leong, Land Agent
Land Division

FROM: Ralston Nagata, State Parks Administrator

SUBJECT: Proposed State Land Exchange
Kiholo, Pu'uwa'awa'a, North Kona, Island of Hawai'i
TMK: 7-1-02: 2 (Bakken-owned) and 7-1-02: 8 (State-owned)

Thank you for the opportunity to comment on the proposed land exchange at Kiholo. As indicated in the letter from Vitousek, attorney for the Bakkens, the exchange involves the portion of State-owned land (TMK: 7-1-02: por. 8) adjacent to the Bakken residence (TMK: 7-1-02: 3) for the parcel formerly owned by Loretta Lynn and recently purchased by the Bakkens (TMK: 7-1-02:2).

As you may be aware, State Parks initiated a park feasibility study in 1991 that covered the approximately 4,500 acres of State-owned land between Ka'ahumanu Highway and the shoreline from Anaeho'omalu on the north to Ka'upulehu on the south. This study area encompasses approximately 8 miles of shoreline, including Kiholo Bay. The preliminary assessment indicated a high potential for a wilderness park. Bounded by resort developments at Anaeho'omalu and Ka'upulehu, a large, expansive wilderness park would maintain the open space and natural character of this section of Kona coastline while providing public access and opportunities for passive recreational use, such as camping, hiking, and fishing. As a wilderness park, there would be minimal development for visitor use, such as restroom facilities, designated campsites, and preferred hiking trails.

As part of the park study, archaeological, biological, and recreational surveys were conducted. These surveys indicated a significant complex of natural and cultural resources in the Kiholo area. Many of these resources are linked to the extensive system of lava tubes that run *mauka-makai* throughout the study area and the anchialine ponds along the shoreline. Because of the large size of the project area, these surveys were not comprehensive and prior to any land exchange, the subject areas need to be thoroughly surveyed and evaluated for significant resources.

In regards to the concept of a wilderness park, we would like to minimize the construction of new or additional buildings along the shoreline. Have the Bakken's considered using the Lynn structure for their caretakers? Will the new construction of an additional residence be a visual obtrusion from the lookout along Ka'ahumanu Highway? If so, can landscaping effectively mitigate this impact? How will the State utilize the Lynn's residential structure if it is acquired in the exchange? While the building could be used as a park caretaker's residence, State Parks does not have the funding or staffing to initiate park development at this time.

RECEIVED
DIVISION OF
LAND MANAGEMENT
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99 AUG 25 10:38
DEPT. OF LAND & NATURAL RESOURCES



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 621
 HONOLULU, HAWAII 96808
 August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
 AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999
RECEIVED

PSF No.: 99HD-185

'99 AUG -5 A2:47

FORESTRY & WILDLIFE
 STATE OF HAWAII

MEMORANDUM

TO: Division of Forestry and Wildlife
 Division of Aquatic Resources
 Historic Preservation Division
 Division of State Parks
 Commission on Water Resource Management
 Division of Conservation and Resources Enforcement
 Land Division - Planning & Technical Services, Engineering Branch
 Land Division - Hawaii District Land Office
 Department of Planning, County of Hawaii
 Department of Water Supply, County of Hawaii
 Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
 Location: Kiholo, North Kona, Island of Hawaii
 Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
 Type of Disposition: Land exchange
 Requestor: Mr. Earl and Mrs. Doris Bakken

RECEIVED
 DIVISION OF
 LAND MANAGEMENT
 AUG 10 3 31 PM '99

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If no response is received by the suspense date, we will assume there are not comments.

Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed *Eric Leong*

Print Name: _____

Date: 8/9/99



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 621
 HONOLULU, HAWAII 96808
 August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
 AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

Suspense Date: August 31, 1999

RECEIVED
 AUG 10 1999
 2:57
 PSF No. 99HD-185
 LAND DIVISION

MEMORANDUM

TO: Division of Forestry and Wildlife
 Division of Aquatic Resources
 Historic Preservation Division
 Division of State Parks
 Commission on Water Resource Management
 Division of Conservation and Resources Enforcement
 Land Division - Planning & Technical Services, Engineering Branch
 Land Division - Hawaii District Land Office
 Department of Planning, County of Hawaii
 Department of Water Supply, County of Hawaii
 Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
 Location: Kiholo, North Kona, Island of Hawaii
 Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
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 Requestor: Mr. Earl and Mrs. Doris Bakken

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Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed *Andrew M. Monden*

Print Name: ANDREW M. MONDEN, CHIEF ENGINEER

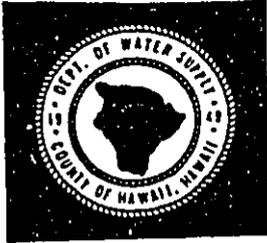
Date: 8/12/99

ENGINEERING BRANCH

COMMENTS

Our current projects and programs are not effected by the proposed project.

The project site according to FEMA Community Panel Number 155166 0481C, is located in Zone X, areas determined to be outside 500-year flood plain..



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 961-8660 • FAX (808) 961-8657

August 24, 1999

Mr. Eric Leong
State of Hawaii
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, HI 96809

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 26 10 10 AM '99

LAND EXCHANGE FOR ONE PRIVATE PROPERTY FOR
A PORTION OF A STATE PARCEL LOCATED AT KIHOLLO, NORTH KONA, HAWAII
APPLICANT - DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND MANAGEMENT DIVISION
TAX MAP KEY: (3) 7-1-002:002 AND 003

We have reviewed the subject parcel and our only comment is that we do not have a water system in this area. The nearest Department of Water Supply facility is a 12-inch waterline in the Queen Kaahumanu Highway at the entrance to the Kona International Airport, over 12 miles away from the subject parcel.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8665.

Milton D. Pavao, P.E.
Manager

BCM:gms

... *Water brings progress...*

PHONE (808) 594-1888

FAX (808) 594-1865



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

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 27 10 23 AM '99

August 24, 1999

Mr. Eric Leong
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

PC #58

Re: State Land Disposition
Kiholo, North Kona, Island of Hawai'i
Requesting land exchange of TMK (3) 7-1-2:2
and TMK (3) 7-1-2:8

Dear Mr. Leong,

Thank you for the opportunity to comment on the requested land exchange between Mr. and Mrs. Bakken, and the State of Hawai'i. The Bakken's parcel of land, identified as TMK (3) 7-1-2:2, will be referred to as "the Bakken property." The State's parcel of land identified as TMK (3) 7-1-2:8, will be referred to as "the exchange parcel."

As described in the 06/29/99 letter from Mr. Vitousek of Cades, Schutte, Fleming & Wright to Mr. Johns and Mr. Uchida, the exchange parcel is approximately nine (9) acres in size located south and mauka of the Bakken property. According to the State Land Inventory, the exchange parcel is considered as ceded land, acquired under Section 5B of the Admission Act ("B" Ceded Status).

The Office of Hawaiian Affairs (OHA) has repeatedly opposed any sale or exchange of all ceded lands. OHA has a fiduciary responsibility to ensure that the ceded land trust is not diminished in any way. The protection of ceded lands and the integrity of the ceded lands is of utmost concern to OHA.

Moreover, there are ongoing legal issues regarding ceded lands that have not been resolved. Until such time when determinations are made to these longstanding issues, OHA will remain strongly opposed to the sale or exchange of ceded lands. OHA will continuously challenge any wrongful attempts by the State of Hawai'i to diminish the Ceded Land Trust.

Mr. Eric Leong
Department of Land and Natural Resources
Land Division
August 24, 1999
PAGE 2

If you have any questions, please contact Mark A. Mararagan, Policy Analyst-
Government Regulations at 594-1945.

Sincerely,



C. Sebastian Afoot
Hawaiian Rights Division Director



Colin Kippen
Deputy Administrator

cc: OHA Board of Trustees
Kona CRS

8/5/99



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96808
August 2, 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

DIVISION OF AQUATIC RESOURCES	
DIRECTOR	Suspense Date:
COM FISHERIES	Draft Reply <input type="checkbox"/>
AQ REC/ENV	Reply Direct <input type="checkbox"/>
AQ RECR'N	Comments <input type="checkbox"/>
STAFF SVCS	Information <input type="checkbox"/>
FISH DEV	Comp Act & File
STATISTICS	Return to:
AFRC	Copies to:
EDUCATION	Remarks:
SECRETARY	
OFFICE SVCS	99-2053
FED AID	

Suspense Date: August 31, 1999

MEMORANDUM

PSF No.: 99HD-185

TO: Division of Forestry and Wildlife
 Division of Aquatic Resources
 Historic Preservation Division
 Division of State Parks
 Commission on Water Resource Management
 Division of Conservation and Resources Enforcement
 Land Division - Planning & Technical Services, Engineering Branch
 Land Division - Hawaii District Land Office
 Department of Planning, County of Hawaii
 Department of Water Supply, County of Hawaii
 Office of Hawaiian Affairs

RECEIVED
DIVISION OF
LAND MANAGEMENT
AUG 27 9 39 AM '99

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
 Location: Kiholo, North Kona, Island of Hawaii
 Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
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 Requestor: Mr. Earl and Mrs. Doris Bakken

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If no response is received by the suspense date, we will assume there are not comments.

Attachment

D

- We have no comments.
- Comments attached.
- We have no objections.

03 1999
Div. of Aquatic Resources

Signed *Eric Leong*

Print Name: _____

Date: 8/26/99



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

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

SEP 1 1999

Memorandum:

To: Eric Leong, Land Agent
From: Sam Lemmo, Planner *Sam Lemmo*
Subject: Land Exchange Between the State of Hawaii and Earl Bakken

If a subdivision is proposed to facilitate the exchange, a Conservation District Use-Application will need to be filed. Also, we recommend that the Bakkens do not consolidate this parcel into their existing Kiholo Bay parcel, if they plan to build a second residence, since the Administrative Rules (13-5) only allow one single family residence per lot. [Caretaker's dwelling would fall within this definition.] They should consider creating a separate lot within which the Board would consider the construction one (1) single-family residence or caretaker's dwelling. They should also be reminded that the CDUA process is discretionary. The Department can't guarantee that permits will be approved. Only the Board has the authority to approve permits.



10:01 AM 4 PM 1 24

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 521
HONOLULU, HAWAII 96809
August 2, 1999

Suspense Date: August 31, 1999

MEMORANDUM

PSF No.: 99HD-185

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

RECEIVED
DIVISION OF
LAND MANAGEMENT
SEP 20 9 26 AM '99

FROM: Eric Leong, Land Agent *EL*

SUBJECT: Request for Comments - State Land Disposition
Location: Kiholo, North Kona, Island of Hawaii
Tax Map Key(s): (3) 7-1-02:2 (Bakken-owned land); (3) 7-1-02:3 (Bakken residence adjacent to State land requested for exchange)
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Attachment

- We have no comments.
- Comments attached.
- We have no objections.

006 272

Signed *Virginia Goldstein*

Print Name: Virginia Goldstein

Date: Planning Department, County of HI

SEP 08 1999

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

September 8, 1999

Mr. Eric Leong, Land Agent
State of Hawaii
Department of Land & Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Leong:

Request for Comments: State Land Disposition re: Land Exchange
Kiholo, N. Kona Hawaii Island
TMK: 7-1-02: 02 (for. Lynn property purchased by Bakken)(3 acs)
TMK: 7-1-02: 03 (Bakken residence)(3 acs.)
TMK: 7-1-02: 08 (proposed 9 ac.par. of 13,273.128 acs.)

Thank you for requesting our participation to submit comments on the land exchange transaction proposed by Doris and Earl Bakken as described in the Letter from Roy A. Vitousek III to T. Johns, Chair - DLNR (June 29, 1999). Our department requested and was granted an extension to submit comments after the suspense date of August 31, 1999 providing that comments are made by September 10, 1999. After examining the proposal we have the following comments.

Land Exchange & TMK: 7-1-02: 08. One goal of the proposed land exchange is to acquire approximately nine (9) acres adjacent and to the south and mauka of the Bakken's residential parcel 03. According to the County's tax maps this nine acre addition appears to be a portion of TMK: 7-1-02: 08; however, the TMK parcel where the nine acre addition is to be exchanged from is not specifically identified. Identifying the state parcel that is needed to complete the land exchange should be clarified for the public. Please confirm if the nine acre portion will be exchanged from parcel 08.

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DIVISION OF
LAND MANAGEMENT
SEP 20 9 26 AM '99

Mr. Eric Leong, Land Agent
State of Hawaii
Department of Land & Natural Resources
Page 2
September 8, 1999

EIS Requirements? Since state lands will be used for this project it appears that condition would *trigger* the application of Haw. Rev. Stat. Chapt. 343, the state law requirements on Environmental Impact Statements. The applicant should consult with State DLNR or OEQC (Office of Environmental Quality Control) to clarify the applicability, if any, of Chapter 343 to this proposed transaction.

Land Use Designations. The land use designations that legally apply to these parcels are stated below along with two other relevant land use factors. Following this list is a discussion of issues that apply to this transaction or parcel 03.

State Land Use: "Conservation"
Hawaii County: SMA (Special Management Area)

Thank you for requesting our comments. Please discuss any follow up matters with Earl Lucero of my staff. Ph: 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

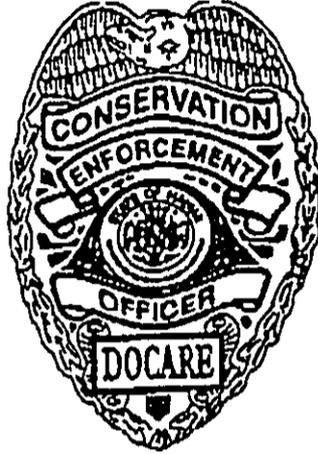
EML:gp
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cc: West HI Planning Office

Don Hibbard, Administrator, State of HI - DLNR - SHPD
Kaukuhihewa Bldg., Rm. 555, 601 Kamokila Blvd., Kapolei, Oahu, HI 96707

Genevieve Salmonson, Director - State of HI - Office of Environmental Quality Control
235 South Beretania St., State Office Tower Suite 702
Honolulu 96813

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF CONSERVATION AND RESOURCES
ENFORCEMENT



FAX TRANSMITTAL SHEET

SENDING TO:

FROM:

NAME: Eric Leong

Charles Nahala

BUSINESS: _____

FAX NUMBER: 587-0455

327-4963

PHONE NUMBER: _____

323-3141

ADDITIONAL INFORMATION: For your Review

Total number of pages including this cover sheet: 3

*forward to state for review/comment
8/4/99*

RECEIVED
DOCARE
HILO, HAWAII



RECEIVED

AUG 12 1999

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES BOARDING AND OCEAN RECREATION
RESOURCES DEVELOPMENT COMMISSIONS
FORESTRY AND WILDLIFE HISTORIC PRESERVATION LAND DIVISION STATE PLANS WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 601
HONOLULU, HAWAII 96808
August 2, 1999

Suspense Date: August 31, 1999

PSF No.: 99HD-185

HA 98-114

MEMORANDUM

TO: Division of Forestry and Wildlife
Division of Aquatic Resources
Historic Preservation Division
Division of State Parks
Commission on Water Resource Management
Division of Conservation and Resources Enforcement
Land Division - Planning & Technical Services, Engineering Branch
Land Division - Hawaii District Land Office
Department of Planning, County of Hawaii
Department of Water Supply, County of Hawaii
Office of Hawaiian Affairs

FROM: Eric Leong, Land Agent *EL*

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Attachment

- We have no comments.
- Comments attached.
- We have no objections.

Signed: Charles Nahale
Print Name: Charles Nahale
Date: 9-7-99

TO : Eric Leong, Land Agent, Land Division
FROM : Charles Nahale, West Hawaii Supervisor, DOCARE
SUBJECT: Request for Comments, Land Exchange Mr.&Mrs Earl Bakkens
Kiholo, N. Kona

Thank you Eric for information regarding this request and an opportunity to comment. I have reviewed Mr. Vitousek's request on behalf of the Bakkens for the land swap. It is always exciting to see the State assume beach front property for public use. As you know this area does not have any infrastructure or access for public use. Use of this area has been and continues to be on a selective basis. Land owners with key or their friends and families. My concern would be what decisions would be made for the use of this area after the land exchange is made.

1. Planned use of area. (Park/Cultural Center/Natural area reserve/Nature Park) etc.
2. If the State Parks Division is going to assume this land, will they receive needed funding to

maintain and staff personnel as well as support a facility.

3. How can we be assured that the state is not burdened with a facility that we have no funds to care for or maintain, then ultimately be a nightmare keeping marauders and partying youths from destroying and trashing the beach and surrounding areas. Being as this area is secluded it definitely could be a congregating area for wild partying and drug activity.

4. If we can address some of these questions I think that this is a fantastic proposal. I would support this proposal and know that the public would enjoy the use of this area.

5. The present structure on the Lynns Property which was built by Loretta's husband is a very beautiful two story structured beach retreat house. On the beach front. It is built off the ground and stands on cement pillars. This residence if assumed by the state could house a live in caretaker or park security as this would be needed to deter vagrants and illicit activity. May I recommend that you come to see this area and its present structure before rendering a decision.

Thank you for this opportunity to comment,



Charles Nahale,
West Hawaii Supervisor
DOCARE



NA ALA HELE
Hawai'i Trail & Access System

September 23, 1999

MEMORANDUM:

TO: Eric Leong, Land Division

FROM:  Rodney T. Oshiro, Na Ala Hele

SUBJECT: Request for Comments - State Land Disposition,
Kiholo, North Kona, Hawaii - TMK: (3) 7-1-02:2
(Bakken-Owned Land); (3) 7-1-02:3 (Bakken Residence
Adjacent to State Land Requested for Exchange

SEP 24 9 52 AM '99
DIVISION OF
LAND MANAGEMENT

Our comments to you dated 11 August 1999, indicated "we have no comments." Upon further review, however, we would like to revise our comments and say that the land exchange and new road construction will impact on the Kiholo-Huehue Trail. The attached copies of the color and black and white photographs clearly indicate the location of this trail alignment. As a condition of approval, we are requesting that this alignment be identified and restored on the ground and recognized by the applicant as a state-owned alignment. Signs will be erected by the applicant indicating the name of the trail and made passable to public pedestrian access where the proposed new road will intersect the trail alignment. The identification and restoration of this trail alignment should be made from the shoreline to where it is intersected by the primary access route.

An archaeological survey is also requested because of the presence of water caves, burials and cultural sites that may be impacted by the proposed use.

Thank you for the opportunity to comment.

Attachment

cc: Ron Terry
Michael Buck