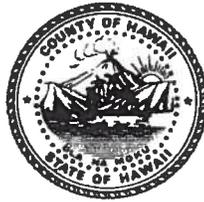


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

August 8, 2012

Mr. Gary Hooser, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawai'i 96813

Dear Mr. Hooser:

SUBJECT: Final Environmental Assessment (DEA)
Applicant: Dr. Elizabeth Marshall and Carol Gibson
Request: 4-lot Subdivision and Installation of Waterline
TMK: 8-2-003:029 Waipunaula, South Kona, Hawai'i

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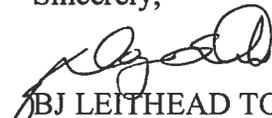
The County of Hawai'i Planning Department has reviewed the comments received during the 30-day comment period on the draft environmental assessment that ended on July 23, 2012. We have determined that the project will not have significant environmental effects and have issued a Finding of No Significant Impact (FONSI).

Please publish notice of availability for this project in the next available OEQC Environmental Notice. We have enclosed the following:

- One copy of the Final EA
- A CD containing the .pdf files for the EA and .doc file with the OEQC transmittal documents, including project summary
- A completed OEQC Environmental Notice Publication Form and associated material.

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,


BJ LEITHEAD TODD
Planning Director

Enclosures: Final EA (1 copy)
Completed OEQC Publication Form
Distribution List
Final EA and Project Summary (on disk)

JWD:smn
P:\wpwin60\CH343\2012\LConventz-Marshall-FonsiFEA.doc
cc: Klaus D. Conventz

**Application Action EA
Chapter 343, HRS
Publication Form**

Project Name: Final Environmental Assessment for 4-Lot Subdivision, Waipunaula and Kalamakumu, South Kona, Hawaii

Island: Hawaii

District: South Kona

TMK: (3) 8-2-3:29

Permits: Subdivision Approval by Planning Director

Applicant: Dr. Elizabeth Marshall and Carol Gibson
78-6616 Ali'i Drive, Kailua-Kona, Hawaii 96740

Contact Person:

Klaus D. Conventz

P. O. Box 2308, Kailua-Kona, Hawaii 96745

Phone: (808) 329-0898

Approving Agency: County of Hawaii Planning Department
101 Pauahi Street, Hilo, Hawaii 96720

Contact Person:

Jeffrey Darrow

101 Pauahi Street, Hilo, Hawaii 96720

Phone: (808) 961-8158

Consultant: Klaus D. Conventz, dba Baumeister Consulting
P. O. Box 2308, Kailua-Kona, Hawaii 96745
Phone: (808) 329-0898

Summary:

The applicants propose to subdivide the existing 22.128 acre parcel into two 5.001 acre lots, one 5.580 acre lot and one 6.546 acre lot for intensive agricultural use of the property. Physical activities will include survey and staking of the lots and the installation of a dedicated 4" waterline inside existing utility easement and along the 10 foot wide existing pavement of the 30 feet wide county road right-of-way, as a condition of the County Department of Water Supply for final expected subdivision approval.

The subject property is identified as Tax Map Key (3) 8-2-3:29 and is situated along the Makai side of the Old Government Road in Waipunaula and Kalamakumu, South Kona, Hawaii.

It is located approximately 2,800 feet from the shoreline Mauka of Kealakekua Bay in an elevation of approximately 400 to 900 feet above mean sea level.

Subject property is situated within the Kona Field System Site No. 50-10-37-6601, listed on the Hawaii Register of Historic Places and included on the National Register of Historic Places. The purpose of the proposed action is the subdivision of subject land in compliance with the prevailing County Zoning A-5a, State Land Use Agricultural District.

**FINAL ENVIRONMENTAL ASSESSMENT PURSUANT TO CHAPTER 343,
HAWAII REVISED STATUTES, IN ANTICIPATION OF FINDINGS OF NO
SIGNIFICANT IMPACT, 4-LOT SUBDIVISION AND INSTALLATION OF A
DEDICATED 4" WATERLINE**

APPLICANTS: DR. ELIZABETH MARSHALL AND CAROL GIBSON
TAX MAP KEY: (3) 8-2-03:29
LOCATION: WAIPUNAULA and KALAMAKUMU, SOUTH KONA
ISLAND, COUNTY AND STATE OF HAWAII

Prepared by: Klaus D. Conventz, dba Baumeister Consulting
P. O. Box 2308
Kailua-Kona, Hawaii 96745

NOTE: Preparer, Klaus D. Conventz, is the Agent/Representative of Applicants, who
reside outside the State of Hawaii. Please direct any inquires and comments
to:

**Baumeister Consulting
P. O. Box 2308
Kailua-Kona, Hawaii 96745-2308
Phone/Fax: (808) 329-0898**

July 2012

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I. INTRODUCTION

1. IDENTIFICATION OF OWNER(S) / APPLICANT(S)

Owner/Applicant Dr. Elizabeth Marshall
78-6616 Ali'i Drive
Kailua-Kona, Hawaii 96740

Dr. Elizabeth Marshall purchased the property by Warranty Deed, recorded in the Bureau of Conveyances of the State of Hawaii on November 11, 2000 under Document No. 00-154577 (Majority Owner). Tax Map Key (3) 8-2-3:29

Owner/Applicant Carol Gibson
124 East 37th Street
Tacoma, WA 98404

Carol Gibson obtained the property minority share by way of Quit Claim Deed on September 21, 2011, recorded in the Bureau of Conveyances of the State of Hawaii under Document No. 11-152974.

Consultant/Agent for both parties:
Klaus D. Conventz, dba Baumeister Consulting
P. O. B ox 2308
Kailua-Kona, Hawaii 96745-2308
Phone/Fax: (808) 329-0898

2. IDENTIFICATION OF APPROVING AGENCY

The County of Hawaii Planning Department is the appropriate accepting agency in accordance with Chapter 343, HRS.

3. DESCRIPTION OF THE PROPOSED ACTION

The owners, Dr. Elizabeth Marshall and Carol Gibson, propose to subdivide the property Tax Map Key (3) 8-2-3:29, a 22.128 acre parcel, located at Waipunaula and Kalamakumu, Island, County and State of Hawaii, into four (4) lots, two (2) each with 5.001 acres, one (1) lot with 5.580 acres and one (1) with 6.546 acres.

The land is vacant and devoid of any existing structure. No improvements are intended at this time, except for a dedicated 4" waterline required by the County Department of Water Supply as a pre-condition of final subdivision approval. Four existing water meters at the Napoopoo Road will have to be relocated to the property.

The waterline will be installed parallel to the existing 10 feet wide concrete pavement within the 30 feet wide right-of-way of the Old Government Road and within existing utility easements established on neighbor properties.

4. LOCATION

Subject site is situated on the leeward side of the Island of Hawaii within the District of South Kona (EXHIBIT 1 – Island of Hawaii Map).

The location of the site is on the Makai (South) side of the County's Old Government Road, which runs West and South off Napoopoo Road.

The junction of the Old Government Road and Napoopoo Road is approximately 1,000 feet distance to the site.

The junction of both roads is approximately 1.2 miles South from the intersection of Napoopoo Road and Mamalahoa Highway.

The property is to the West approximately 2,800 feet from the shoreline of Kealahou Bay in approximately 400 to 900 feet elevation above Mean Sea Level (EXHIBIT 2, Regional Map).

(EXHIBIT 3 – Tax Map for Plat 8-2-3 and Subject Property)

(Exhibit 4 – Preliminary Subdivision Map for Tax Map Key 8-2-3:29)

5. NEED FOR THE PROPOSED SUBDIVISION

The owners/applicants purchased the property for the sole purpose of subdivision as an investment, to sell at least some lots to share in the high land and development costs.

Besides the purchase price they have participated in the paving of the Old Government Road, which was already required for all surrounding subdivision owners, having already received approval for similar developments of the lands, in accordance with relevant regulations, county, state or federal.

Also, owners are required, as the only sub-divider, to pay for more than 1,000 feet dedicated waterline (4 inch), an additional enormous investment not shared by any neighbor.

In addition, the extreme steep lot (20% to 30% slope) with more than 22 acres, is subject to extreme maintenance due to the topography alone, not even mentioning additional agricultural investment on a scale exceeding the financial means of the average owner, while four people can make this investment and expenses financially bearable; and the proposed action feasible for 4 individual owners' in lieu of only one.

The owners/applicants were even more convinced that the proposed subdivision was a near certainty under the regulations, since the predecessor in the property, Mr. James C. Riggle had already applied for the same subdivision in 1983-1984 and received a Negative Declaration (FONSI) published in the OEQC Bulletin of February 23, 1984 (EXHIBIT 7). Hereafter current owners/applicants applied for the same subdivision again when they purchased the property from Mr. Riggle in November 2000. However, they had to abandon the application since the situation of water supply was not solved at the time.

The objective for the proposed subdivision is to sub-divide the parcel consistent with the 5 acre Zoning.

6. LIST OF INDIVIDUALS, COMMUNITY GROUPS AND AGENCIES CONSULTED BEFORE AND DURING THE PREPARATION OF THE ENVIRONMENTAL ASSESSMENT BY PREVIOUS AND CURRENT APPLICANTS

(a) Mr. Riggle, the predecessor in the property, sought advice and input as follows:

Consulting Agencies:

Dr. Paul H. Rosendahl, Consulting Archaeologist Report of January 03, 1984 (EXHIBIT 5)

State Department of Land and Natural Resources, Historic Site Division (EXHIBIT 6)

OEQC Bulletin of February 23, 1984 (EXHIBIT 7)

County of Hawaii Planning Department, Letter of February 28, 1984 with Minor Permit 84-3 and EA (EXHIBIT 8)

Napoopoo-Keei-Honaunau Community Association (No Response)

Us Department of Agriculture, Soil Conservation Service 1987 (EXHIBIT 9)

County of Hawaii DPW Building/Engineering Division, Letter of June 12, 1987 (EXHIBIT 10)

Wes Thomas & Associates, Land Surveyors

(b) Dr. Elizabeth Marshall and Cynthia Northrup sought advice as follows:

County of Hawaii Planning Department

Wes Thomas & Associates (EXHIBIT 4 - Preliminary Subdivision Map)

Project Planners of Hawaii and Cultural Surveys Hawaii (EXHIBIT 11 – Report of March 06, 2006)

State of Hawaii Department of Land and Natural Resources, Historic Site Division (EXHIBIT 12 – Letter of January 06, 2011)

Department of Water Supply

County Department of Public Works

(c) Klaus Conventz, Consultant/Agent to Dr. Elizabeth Marshall and Carol Gibson is including all information derived from (a), (b) and (c) as listed Exhibits

In addition, contact was made and advice received from:

County of Hawaii Planning Department

Wes Thomas & Associates, Land Surveyors

County Department of Public Works, Engineering Division (EXHIBIT 13 - FIRM Map)

County of Hawaii, Real Property Tax Office

Department of Water Supply, County of Hawaii (Exhibit 14 – Letter of May 27, 2011)

State of Hawaii, Department of Health, Wastewater Division

Owner/Neighbor of adjoining subdivision to the North, Mr. David Knittle, P. O. Box 187 Honaunau, Hawaii 96706, Phone: (808) 345-5662, Phone conversation on Monday, April 30, 2012 (No Objection)

Owner/Neighbor of adjoining property to the South, Mr. Nicholas McKeown, 14300 Saddle Mountain Drive, Los Altos Hills, California 94022, Phone (650) 224-2683, Phone conversation on Friday, May 04, 2012 (No Objection)

NOTE: The required Notice of Pending Action has been posted on site ((EXHIBIT 15 – Photo with text)

The Planning Department County of Hawaii sent xerox copies related to the pending subdivision action to:

Manager of County Department of Water Supply with application and PPM

Director of County DPW with application and PPM

District Environmental Health Program Chief, Department of Health, with application and PPM

Director, Department of Environmental Management with application and PPM

Tax Maps and Records Supervisor with 1-CD

7. REFERENCES IN PREPARATION OF ENVIRONMENTAL ASSESSMENT

County of Hawaii General Plan, Ordinance 0525, effective February 09, 2005 and Ordinance 06153, Amendment to Ordinance 0525, effective December 07, 2066.

Atlas of Hawaii, Third Edition, by Department of Geography, University of Hawaii at Hilo, 1998.

U.S. Department of Agriculture, Soil Conservation Service of the Island of Hawaii, State of Hawaii, Washington, USDA.

County of Hawaii, County Code, Chapter 25 Planning Department, Chapter 27 (related to Special Flood Hazards) DPW, Engineering Division.

State of Hawaii, Office of Environmental Quality Control, Guide to the Implementation and Practice of the Hawaii Environmental Policy Act, 2012 Edition.

State of Hawaii, Department of Health, Wastewater Division.

II. HISTORY OF PREVIOUS DEVELOPMENTS AND ACTIONS AS THEY RELATE TO SUBJECT PROPERTY

Subject subdivision is part of a CONSOLIDATION AND RE-SUBDIVISION OF Tax Map Keys (3) 8-2-03:01, 8-2-08:15,16,17,28,31 and 38, approved Subdivision No. 4124.

The required ENVIRONMENTAL IMPACT STATEMENT (EIS) was accepted by OEQC as per notice January 01, 1978 published in Bulletin.

Previously a 4-Lot subdivision was proposed for subject parcel, actually in the same configuration as this new proposal, (Subdivision No. 83-187, 1983).

Dr. Paul H. Rosendahl conducted an Archaeological Field Investigation and determined that the parcel was situated within the boundaries of the Kona Field System (Hawaii Register of Historic Places, Site No. 50-10-37-6601), in 1977 included on the National Register of Historic Places. The parcel, however, as determined by Dr. Rosendahl is located just outside of the boundaries of the Kealakekua Bay Historic District (H.R.H.P. Site No. 50-10-47-7000).

In order to avoid repetitions I enclose Dr. Rosendahl's report No. 101-011028 for your review as well. Dr. Rosendahl discussed his findings, that the remaining archaeological remains found within the parcel are only of minimal significance; Planning Director Goldstein concurred with the findings and recommendations by the archaeologist, that full clearance be granted to the parcel (EXHIBIT 5).

The State Department of Land and Natural Resources concurred as well in its letter of January 25, 1984 (EXHIBIT 6).

The OFFICE OF ENVIRONMENTAL QUALITY CONTROL published accordingly in bulletin February 23, 1984 the required "Negative Declaration" for the proposed 4-Lot subdivision by James Riggle, the predecessor owner/seller to Marshall, etal (EXHIBIT 7).

Finally the renewed subdivision application was withdrawn by Dr. Elizabeth Marshall, etal, due to problems with the water supply system, which has been solved in the meantime.

The current subdivision proposal by Wes Thomas & Associates, Inc. is pending under Subdivision No. 11-001056.

In the course of this action PROJECT PLANNERS OF HAWAII conducted for the current owner a field inspection as well, concurring with Dr. Rosendahl's findings and recommendations (EXHIBIT 11 - Letter of March 06, 2006).

In letter of January 06, 2011 to Bethany Morrison, Planning Department, the State of Hawaii Department of Land and Natural Resources, State Historic Preservation Division concurred that **"No historic properties will be affected. However, in the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are indentified during construction/activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653."** end of quotation (EXHIBIT 12).

NOTE: GIS gave the only information that the Kealakekua Bay Historic District is close, HA 08002 Na'ala'hele Keauhou-Napoopoo Trail over the parcels Tax Map Keys (3) 8-2-03:02,11, 30, 34 and 38 (EXHIBIT 16 – GIS Plan, the Historic trail does not affect subject land).

Minor Use Permit No. 84-3 was issued February 24, 1984 (EXHIBIT 8) and Director's NEGATIVE DECLARATION, background information Page 2.

III. LAND USE CLASSIFICATION/DESIGNATION OF SUBJECT LAND AND SURROUNDING AREA

COUNTY ZONING:

Agricultural – 5 Acres (A-5a).

STATE LAND USE DESIGNATION:

Agricultural District.

COUNTY LAND USE CLASSIFICATION:

“Important AG Lands” under the “Land Use Pattern Allocation Guide” (LUPAG) Map. County of Hawaii General Plan (as it relates in particular to South Kona, effective 2005).

COASTAL ZONE MANAGEMENT, HRS, CHAPTER 205A:

The entire State of Hawaii lies within the **Coastal Zone Management** area. The intent of the Coastal Zone Management Program is to **guide and regulate** public and private uses in the Coastal Zone Management Area with respect to recreational resources, coastal ecosystems, marine resources, economic uses, coastal hazards, managing development, public participation and beach protection. However, the property is 2,800 feet inland.

SURROUNDING ZONING AND LAND USES:

Various subdivisions surrounding the property have been recently approved and are either planted in coffee Mauka of the Old Government Road or Orchard use, all of which are of residential/agricultural nature and within the County of Hawaii's Agricultural 5 acre Zoning (A-5a) with minimum 5 acres, the State Land Use Designation is also within the Agricultural District.

SOILS:

ALISH CLASSIFICATION:

Agricultural lands important to the State of Hawaii for the Island of Hawaii.

LAND STUDY BUREAU'S PRODUCTIVITY RATING C:

Factor C accounts for the variation in the land's slope to differentiate ease of irrigation and use of mechanical equipment, susceptibility to erosion, amount of surface run-off and it's suitability for production. The subject parcel is in it's lower part (Makai) with 30% slope borderline to cultivate crops due to the steepness.

U.S.D.A. STUDY, SOIL TYPE – KEC:

The Soil Survey of the Island of Hawaii, prepared by the U.S. Department of Agricultural, Soil Conservation Service, classifies the soil as in the Kainaliu Series which consists of well-drained silty clay loams that formed in volcano ash. In a representative profile, the surface layer is very dark brown extremely stony silty clay loam about 10 inches thick. The subsoil consist of dark-brown very stony silty clay loam and silt loam, about 16 inches thick and is underlain by fragmental A'a lava. Permeability is rapid, runoff slow, and the erosion hazard is slight. Generally, most of the acreage can be used for coffee, macadamia nuts and pasture. A small acreage is used for truck farm (EXHIBIT 9).

IV. GENERAL DESCRIPTION

TECHNICAL CHARACTERISTICS OF SUBJECT ACTION

Subject proposed action is limited to the subdivision of the land of Tax Map Key (3) 8-2-3:29 without any improvements on the parcel itself, except for survey and staking.

IMPROVEMENTS: 4" waterline along Old Government Road and through existing utility easement. The location is within the Special Management Area and Historic Site and the purpose of this Environmental Assessment (EA) is compliance with those requirements.

Any future improvement to the land would trigger a renewed action (EA) under Chapter 343, HRS with more in-depth technical details.

Only the installation of the waterline would cause a minimal and temporary negative impact as discussed before herein.

FINDINGS: The proposed action would not have a significantly negative impact.

V. SOCIO- ECONOMIC CHARACTERISTICS

With the exemption of Kealahou to the North and Captain Cook, the South Kona characteristics of population, land use, employment and housing reflect predominantly rural characteristics, with low density land use predominantly of agricultural nature.

Reference "County of Hawaii General Plan" for South Kona, Paragraph 2.4.8.2, Courses of Action (a).

"Assist the further development of agriculture by protecting important agricultural land from urbanization, and providing necessary resources such as water".

FINDINGS: The proposed subdivision and action meets those requirements, therefore, having no negative impact on the Socio-Economic Environment.

VI. ENVIRONMENTAL CHARACTERISTICS

1. NATURAL ENVIRONMENT

1.1 GEOLOGY, VOLCANIC HAZARDS AND AIR QUALITY

Subject property and surrounding area are located on the slopes of Mauna Loa within the saddle extension between Mauna Loa and Hualalai and within Lava Hazard Zone 3 according to the County General Plan based on information by the US Department of the Interior/Geological Survey. The scale ranges from 1 to 10, Zone 1 being the most hazardous zone, and 10 being the least hazardous.

However, in modern history no lava flows occurred in the general area in which the subject site is located.

The entire island is within Zone 4 of the Uniform Building Code as it relates to structural design regulations for earthquake resistance for certain buildings, including residential structures.

This zone is prone to potential earth quakes with the danger of major damages to all structures.

Although the island is mostly free of general man-made air pollution, volcano-induced smog (known locally as Vog) is in various concentration ever present depending on the Kilauea Volcano (Pu'u O'o) eruptive cycles, wind direction, etc., since 1983, which is the current phase of the activity.

Volcanic gases are primarily composed of sulfur in the final form of Sulfur Dioxide.

The vog's resulting health problems can be quite severe causing possibly breathing problems in various degrees.

The impact on crops can be substantial due to resulting acid rain.

FINDINGS: The proposed subdivision has no negative impact on the surrounding lands, or could cause additional hazards that do not already exist within the entire district of South Kona.

1.2 WATER

The rainfall in the subject's elevation of 400 to 900 feet is on average between 50 and 60 inches, relatively low for coffee and fruit production, but not insufficient, Atlas of Hawaii, 3rd Edition.

The subject land's location in the 400 to 900 feet elevation does not have groundwater in depth, which could be affected by this action.

Aquifers are situated on the Big Island of Hawaii between 1,500 and 5,500 feet.

This is the reason that the Department of Health, Wastewater Division does not designate the area as Critical Wastewater Area, therefore, the Department of Health permits cesspools as sewage disposal system.

FINDINGS: Subject land and action does therefore not have any significant negative impact on the surrounding lands.

1.3 FLOOD AND DRAINAGE HAZARDS

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, depicts the area outside of the potential coastal high hazard area (EXHIBIT 13).

According to the South Kona Flood Hazard Analysis (July 1977), prepared by the U.S. Department of Agriculture, Soil Conservation Service, a natural drainage watercourse traverses the subject parcel approximately 1,500 feet from the easterly boundary to its northwesterly corner boundary. Said watercourse is located within the 100-year flood limit (EXHIBIT 9).

The County Department of Public Works provided, in part, the following comments to the previous application. These comments would apply for this renewed proposal in full as well (EXHIBIT 10).

“Portions of subdivision is located within drainage way. All reviewing agencies shall be informed of the Special Flood Hazard designation. As required by Chapter 27, all subdivisions within Special Flood Hazard area shall:

- a. Have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
- b. Have adequate drainage provided to reduce exposure to flood damage;
- c. Identify the area of Special Flood Hazards on the final plat map;
- d. Indicate the base (100-year) flood and ground elevations of all lots on the final plot plan
- e. Submit drainage calculations and flood control plan (by Civil Engineer)”

“No additional flowage caused by proposed development will be allowed into adjacent properties and drainage.”

FINDINGS: No improvements are proposed for subject land, Therefore, the proposed subdivision will not have any additional detrimental impact on the land or surrounding areas beyond the already existing ones.

The Kainaliu Series soil is characterized as having rapid permeability, slow runoff and slight erosion hazards. Flood hazards which may affect a limited portion of the total area and protected from 100-year floods by water control structures.

The requirements of the Department of Public Works should mitigate any drainage or erosion concerns which may arise as a result of future development. Future owners of the subject properties would be required to contact the Kona Soil and Water Conservation District Office for assistance in developing an approved conservation plan or obtain the necessary grading or grubbing permits from the Department of Public Works for eventual development of the land.

1.4 FLORA

Owners are unaware of any rare or endangered species on the property, while the surrounding area is not known for any such species.

Dr. Rosendahl in his Report Ms. 101-01028 of January 03, 1984 (EXHIBIT 5, Page 2):

“Vegetation cover is comprised principally of scattered individuals and varying density stands of koa-haole, large specimen of monkey pod, scattered small groups of relatively large kukui (candle nut), occasional clusters of feral coffee, and low ground covers of shrubs, grasses and weeds.”

FINDINGS: No rare or endangered species are present on the land. Therefore, mitigating measures are not required. The subject action will not have any detrimental impact on the land and surrounding areas.

1.5 FAUNA

Owners are unaware of any rare or endangered species.

Project Planners Hawaii in their report of March 06, 2006 addressed to the State Historic Preservation Division states on Page 2 EXHIBIT 11:

“No rare or endangered flora or fauna were encountered, although there was extensive evidence of feral pigs in the Mauka quadrant, evidenced by large turned and uprooted areas about 200 feet Makai of the Old Government Road along it’s entire length, with fecal droppings and rootless vegetation.”

FINDINGS: The proposed project should not have any adverse affect upon any rare or endangered fauna of the area since none are known to exist within the project site area and surrounding lands.

1.6 SCENIC AND OPEN SPACE RESOURCES

The project land and its surroundings are blessed with exceptional scenic views, however, it is not listed in the County of Hawaii General Plan as Natural Beauty Sites.

The land drops steeply from the Old Government Road and the 5 acre zoning guarantees a low density and widely spaced future dwellings.

FINDINGS: The proposed subdivision will not have any significant detrimental impact on scenic and open resources, because the future dwelling will be positioned considerably below road level due to the steep drop-off of the land, while the wide open scenic views will remain unaffected due to the low density zoning and the resulting wide spaces between dwellings securing unobstructed views.

1.7 NOISE

Existing noise levels are typical for low density agricultural settings, without noise generation caused by industrial activity, airports or major highways.

Any future improvements of the land will generate unavoidable construction noise, which, however, is temporary and its mitigation regulated by Department of Health ordinances, in particular as far as decibel levels and duration on a daily base are concerned.

FINDINGS: Proposed activity will not have any significant negative impact on the surrounding area.

1.8 WETLANDS

There are no wetlands or marshes present in the close proximity of the subject property and surrounding area.

FINDINGS: Proposed activity will not have any detrimental impact on the environment.

2. HISTORIC/CULTURAL ENVIRONMENT

The subject property is located within the Kona Field System (Site No. 50-10-37-6601) which is listed on the Hawaii Register of Historic Places and had been declared eligible for the National Register, (1977).

This system is a very large complex (ca. 3 x 18 miles) of aboriginal Hawaiian cultivation and habitation features. Subject parcel made it likely that characteristics surface and structural remains of aboriginal dry land cultivation to be anticipated.

This anticipation of findings of historically significant elements, i.e. structures, evidence of farming, gathering, travel or historic trails, practice of Hawaiian worship and religion, lead to the field survey by archaeologist, Dr. Paul Rosendahl.

The archaeological reconnaissance survey was conducted by Dr. Paul H. Rosendahl for the proposed subdivision. The survey revealed that the entire parcel (90% to 95%) had been substantially modified by grubbing and bulldozing years ago. The surface structural remains present are scattered and remnant dry land agricultural features; and remnants of field boundary walls or ridges which represent the principal defining characteristics of the Kona Field System. No habitation sites or any structural features were found within the subject parcel.

It was concluded that the remnant archaeological remains found are only of minimal significance, having little or no potential research, interpretive, cultural or preservation value.

The State Historic Sites Section of the Department of Land and Natural Resources concurred that archaeological clearance for the parcel be granted due to the lack of any significant cultural remains.

FINDINGS: Based on the foregoing and other information contained in this assessment, the determination was made that the proposed subdivision action does not have a significant detrimental impact on the environment; also that past and present owners as well as entities and individuals consulted, are unaware of any cultural, religious, gatherings, traditional farming and traversing travel as practiced by the Hawaiian Community and that they have not been known for the past 50 years on the property or the surrounding area.

2.1 POPULATION

The resident population of the district South Kona after the 2,000 Census was in 2,000 8,589; hereafter projected for 2015 with 12,681 and 14,092 in 2020.

Although agricultural production and employment had been on the decline, this is not the case for Kona Coffee for instance.

Subject land and surrounding areas, due to their steep slopes on the Makai side of Napoopoo Road and Old Government Road, might have potential problems to work the land with mechanized methods, however, on the other hand, as in most of the smaller residential/agricultural properties of this nature, manual labor benefits actually the harvest and is the base in particular for organic coffee, a desired commodity beyond the local market on a national and international base even.

FINDINGS: Subject action meets the Goals and Standards of the County General Plan. Therefore, the proposed subdivision does not have a negative impact on the community.

2.2 PUBLIC INFRASTRUCTURE/SERVICES

The Old Government Road is the principal access road to the property and surrounding subdivisions. The improvement of the road, consist of a 10 feet wide concrete-paved road with some turn-outs within a 30 feet wide county right-of-way, was recently completed and approved by the Department of Public Works.

The owners of the proposed subdivision participated financially in the completion.

In comparison to similar agricultural situations, this road is actually of better quality, reducing also required maintenance.

Typical community services are found within the urban towns of Kealahou in approximately 4.0 miles distance and Captain Cook in approximately 3.0 miles distance. This includes Library, Social Services, Postal Service and service by various County, State and Federal agencies.

Those services are quite sufficient for the sparsely populated district of South Kona.

Public utility companies provide readily electrical power and recreational facilities and recreational parks are located within the Kealahou Historic District, Kealahou Bay Beach Park and Puuhonua O Honaunau National Historic Park (City of refuge).

All of these facilities and parks are within 2 to 4 miles distance and world re-known for their cultural, historic history and quality of recreation.

FINDINGS: The proposed subdivision would not overburden the capacity of roads, public services and recreational amenities and would therefore not have any significant negative impact on the community and environment.

2.3 WATER / WASTEWATER / SOLID WASTE

- a.) The proposed subdivision will be served by a private dedicated 4" waterline as earlier described.
- b.) The State of Hawaii, Department of Health, Wastewater Division, Kealahou advised that the area does not contain aquifer, wetland or marsh and is therefore not considered a critical wastewater area, thus, individual cesspools are permissible.
- c.) The county does not provide municipal solid waste pick-up services. However, various transfer stations are available, while the landfill facility at Puuanahulu provides for the entire island West side, residents and contractors alike, including green waste disposal.

FINDINGS: The proposed project will not have any significant negative impact on the public water system, wastewater and solid waste disposal facilities.

2.4 PROTECTIVE SERVICES:

Protective services (fire, police, rescue and medical services) are available.

Fire and police stations or substations are located in Captain Cook including ambulance services, in 3.0 miles distance via Napoopoo Road and Mamalahoa Highway.

The Kona Community Hospital is equipped for all relevant services and is located in Kealahou approximately 4.0 miles to the North.

FINDINGS: The proposed project will not create any significant burden on those readily available services.

VII. SUMMARY OF POTENTIAL NEGATIVE ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES

1. SHORT TERM IMPACTS:

The installation of the water supply line along the Old Government Road would be short term only, during the same time trenches are dug, pipes installed, refill and final grade, and has a potential negative impact, which requires countermeasures, dust and noise control.

MITIGATION: The contractor will be directed to follow rules of Best Management Practices and all other rules in the jurisdiction of the Department of Health, keeping properly maintained and muffled equipment, strictly adhering to operating curfew hours, and implementing all measures to control the generated dust, providing water hoses attached to water supply line or tanker truck at all times.

2. POTENTIAL UNEXPECTED IMPACTS:

Historic resources will not be affected, within the perimeter of this pending proposed action without improvements on the land.

MITIGATION: In the case where subsequently a historic source is identified, the owners/applicants will follow the directives of the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division (quotation):

“No historic properties will be affected. However, in the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified during construction/activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653”. (end of quotation).

VIII. ALTERNATIVES

The only alternative is that the proposed subdivision would not be approved.

This would deprive the owners/applicants of any reasonable use of the property that is permissible within the Agricultural District and the county's 5 acre Zoning, as is allowed and exercised on numerous other parcels and subdivisions of the surrounding area, having received subdivisions approvals.

IX. FINDINGS AND REASONS IN SUPPORT OF DETERMINATION

SIGNIFICANT CRITERIA:

The State of Hawaii Department of Health requires under Paragraph 11-200-12 an analysis of the project vis-a-vis the significance criteria in order to determine whether the proposed action supports a determination by the approving agency of a Finding of No Significant Impact (FONSI).

In anticipation of such determination, the agency must consider every phase of a proposed action, the expected primary and secondary consequences and the cumulative as well as short and long-term affects of the action on the environment, if none of the following criteria apply in the case of subject action.

1. INVOLVES AN IRREVOCABLE COMMITMENT TO LOSS OR DESTRUCTION OF ANY NATURAL OR CULTURAL RESOURCES

The primary cultural resource is the location of the subject land within the Kona Field System, on the Register of Historic Places, Site No. 50-10-37-6601.

Dr. Rosendahl conducted an archaeological field inspection of the property in 1983, Project Planners of Hawaii concurred after a follow-up inspection in 2006, while the Department of Land and Natural Resources, State Historic Preservation Division concurred on January 06, 2011 with the expert consultants' findings, that remnant archaeological remains found within subject land, do not have any potential cultural or preservation value.

As a secondary finding, Dr. Rosendahl found that there were no traces of rare or endangered flora or fauna found, nor are either one known to previous and current owners.

2. CURTAINS THE RANGE OF BENEFICIAL USES OF THE ENVIRONMENT

The proposed subdivision is consistent in its uses previously established. The proposed use will not adversely impact the environment of the surrounding areas and is in compliance with Zoning, the County General Plan and County's Goals and Standards for South Kona.

3. CONFLICTS WITH THE STATE'S LONG-TERM ENVIRONMENTAL POLICIES OR GOALS AND GUIDELINES AS EXPRESSED IN CHAPTER 344, HRS, AND ANY REVISIONS THEREOF AND AMENDMENTS THERETO, COURT DECISIONS, OR EXECUTIVE ORDERS

The proposed subdivision is consistent with the State Environmental Policies established in Chapter 344, HRS, and the National Environmental Policy Act.

No information to the contrary could be found.

4. SUBSTANTIALLY AFFECTS THE ECONOMIC SOCIAL WELFARE OF THE COMMUNITY OR STATE

The proposed subdivision will not have a substantial negative affect on the economic and social welfare of the community. On the contrary, the General Plan's, Goals and Standards consider improvements in the agricultural development a source of benefits for economy and employment as well as housing within the district.

The proposed subdivision is consistent with the current zoning and agricultural use intended in the area.

5. SUBSTANTIALLY AFFECTS PUBLIC HEALTH

Any construction activity, in this case the installation of a dedicated 4" waterline, will be secondary and of temporary nature subject to the mitigating rules and Best Management Practices, as provided for and in compliance of the State Department of Health Regulations pertaining to dust and noise and daily limited time of operation.

6. INVOLVES SUBSTANTIAL SECONDARY IMPACTS. SUCH AS POPULATION CHANGES OR AFFECTS ON PUBLIC FACILITIES

The proposed subdivision will not have any substantial secondary impacts, since the proposed action is in compliance with prevailing zoning, thus not increasing the density of development and is also in compliance with the County General Plan, Goals and Standards for South Kona District.

7. INVOLVES A SUBSTANTIAL DEGRADATION OF ENVIRONMENTAL QUALITY

Subject land is situated within an area previously (1950's to 1960's) bulldozed by one of the predecessors. The project will not cause substantial degradation of the environmental quality, or the character of the land, which is not different from any of the surrounding lands under the same zoning. In addition, no improvements are intended on the land itself at this time.

8. IS INDIVIDUALLY LIMITED BUT CUMULATIVE HAS CONSIDERABLE AFFECT UPON THE ENVIRONMENT OR INVOLVES A COMMITMENT FOR LARGER ACTION

The proposed action is neither individually limited nor has it a cumulative considerable affect upon the environment since it complies with the regulations under prevailing zoning and the requirements under the State's Land Use District. It also will be eventually improved for an agricultural intensive use and the residence thereto, as is the case throughout the area.

9. SUBSTANTIALLY AFFECTS A RARE, THREATENED, OR ENDANGERED SPECIES OR IT'S HABITAT

Rare or endangered species are unknown in the area, including their habits.

10. DETRIMENTALLY AFFECTS AIR OR WATER QUALITY OR AMBIENT NOISE LEVELS

There will be only short-term impacts during the installation of the waterline parallel to the access road and through existing utility easements.

11. AFFECTS OR IS LIKELY TO SUFFER DAMAGE BY BEING LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA SUCH AS FLOODPLAIN, TSUNAMI ZONE, BEACH, EROSION-PRONE AREA, GEOLOGICALLY HAZARDOUS LAND, ESTUARY, FRESH WATER, OR COASTAL WATERS

The property is located inland in an elevation of between 400 and 900 feet, thus only subject to flood plain, erosion prone conditions of the land and geologically hazardous lands.

The Flood Insurance Map (FIRM), prepared by the U.S. Army Corps of Engineers depicts the area outside of the potential coastal hazard area.

According to the South Kona Flood Hazard Analysis of July 1977, prepared by the U.S. Department of Agriculture, Soil Conservation Service,

a natural drainage watercourse traverses the property, which is located within the 100 year flood limit, is therefore subject to the County Department of Public Work's Regulation, and enforcing compliance.

The proposed subdividing of land will not have any affect on the land and surrounding area, since there are no changes.

Erosion will not be a problem since the permeability is rapid, runoff slow and the erosion hazard is slight according to the Soil Conservation Service.

The land is situated within Volcanic Hazard Zone 3 and is also subject to earthquakes, as is the entire island, North and South Kona being within a fault area.

In summation the proposed activity will not change in any way all listed existing conditions.

According to the Wastewater Division, Department of Health, the area is not within a critical wastewater area, thus freshwater being not affected, because the land elevation is not within an aquifer area (1,500 to 5,500 feet most likely) according to the County General Plan.

12. SUBSTANTIALLY AFFECTS SCENIC VISTAS AND VIEWPLANES IDENTIFIED IN COUNTY OR STATE PLANS OR STUDIES

The subdivision of the land will not affect scenic vistas or viewplanes. Although the views are very nice, however, the area is not listed or identified as scenic vista location.

In addition, the size of the 5 acre parcels will leave sufficient space between dwellings securing expansive unobstructed views.

Consultant submits that the land slopes Mauka/Makai between 20 to 30 percent which will give the house sites a very low elevation relative to the access road, thus warranting also unobstructed viewplanes. An otherwise very open setting and low density.

13. REQUIRES SUBSTANTIAL ENERGY CONSUMPTION

The Hawaii Electric Light Company (HELCO) system is sufficient and prepared to cover any energy consumption expected under the prevailing zoning.

No HELCO utility service lines are intended in this proposed action.

Therefore, the proposed project will not require substantial energy consumption.

X. FINDINGS AND ANTICIPATION OF NEGATIVE DECLARATION

Based on the foregoing presented information, the proposed subdivision will not have any significant negative impact on the environment.

As such, a Finding of No Significant Impact (FONSI) for the proposed subdivision is anticipated.

XI. LIST OF PERMITS AND APPROVAL REQUIRED

State of Hawaii, Department of Health, air pollution and noise control for installation of water line

County of Hawaii Planning Department, Final Subdivision Approval, SMA Use Permit Assessment Application and EA review

Department of Water Supply for Final Subdivision Approval

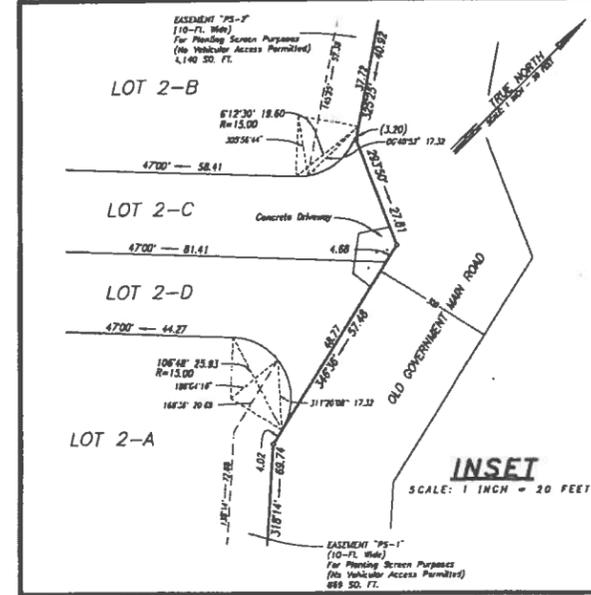
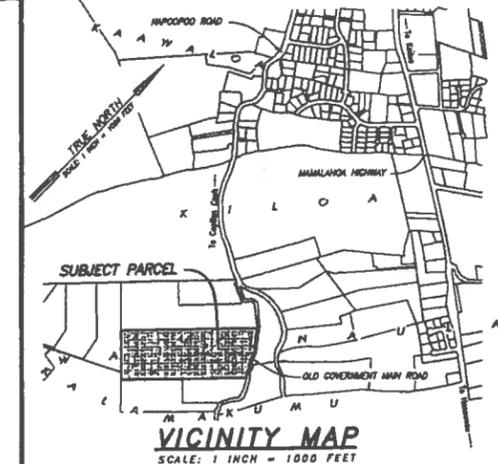
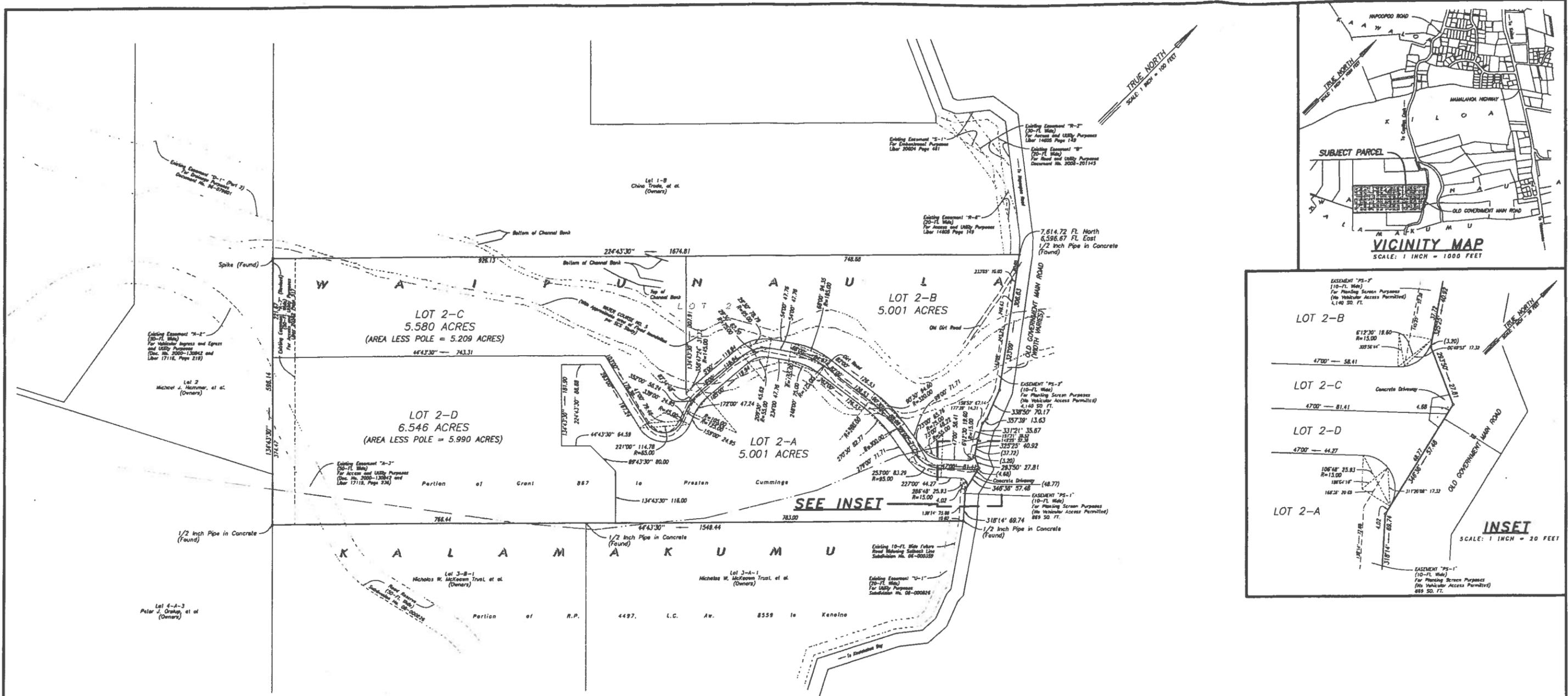
Department of Public Works, Chief Engineer, Final Subdivision Approval as it relates to Chapter 27, County Code

XII. EXHIBITS 1 - 16

XIII. COMMENTS OF RESPONDING GOVERNMENT AGENCIES (EXHIBIT 17)



COUNTY OF HAWAII



PRELIMINARY
MAP SHOWING
SUBDIVISION OF LOT 2

Being Portions of Grant 867 to Preston Cummings
 and R.P. 4497, L.C. Aw. 8559 to Kanaina

INTO LOTS 2-A TO 2-D, INCLUSIVE

At Waipunaula and Kalamakumu, South Kona
 Island and County of Hawaii, State of Hawaii

EXHIBIT 4

- NOTES:**
1. Azimuths and coordinates are referred to Government Survey Triangulation Station "PALEMANO".
 2. The features, shown hereon, were located by an actual survey on the ground done between April 20, 2010 and April 23, 2010.
 3. Subject Parcel is located in Zone X (areas determined to be outside the 500-year flood plain) as per Flood Insurance Rate Map (F.I.R.M.), Community-Panel Number 155186 1155 C, revised September 16, 1988. The Approximate Area of Flood Inundation for Watercourse No. 5, shown hereon, is from a Soil Conservation Service study as interpreted by the Department of Public Works of the County of Hawaii.
 4. References to recorded documents and beneficiaries of easements are compiled from various sources available to this firm at the time this map was prepared. This information may not be all inclusive and due to the nature of the process of recording documents, granting of easements and extinguishment of some, such information should be confirmed by the review of title reports, unrecorded documents and review by legal counsel.
 5. Gross Lot Area = 22-128 Acres
 Number of Lots = 4
 Number of Road Lots = 0
 6. Zoning designation of Subject and Adjoining Parcels = A-5a, unless otherwise noted.
 7. Agricultural Zoned Parcels may be used for agricultural activities and/or farm dwellings.
 8. Existing Use = Vacant

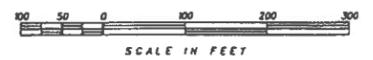
Prepared For:
 DR. ELIZABETH MARSHALL AND CYNTHIA NORTHRUP (OWNERS)
 c/o Elizabeth Marshall
 7837 E. Via Del Regaso
 Scottsdale, Arizona 85258-4205

Prepared By:
WES THOMAS ASSOCIATES
 — Land Surveyors —
 75-5749 Kalanoo Street
 Kailua-Kona, Hawaii 96740-1817
 TEL (808) 329-2353
 FAX (808) 329-5334 EMAIL surveys@wahawaii.com



This work was prepared by me or under my direct supervision.
 Christal T. Yamamoto
 Christal Thomas Yamamoto
 Licensed Professional Land Surveyor
 State of Hawaii Certificate Number LS-4331
 Expiration Date: April 2012

PROJECT NO.: 03385.4
 DATE: MAY 17, 2010
 FIELD BOOK NO.: 1268
 TAX MAP KEY: B-2-003-029 (3RD DIVISION)
 REVISED: JUNE 14, 2010 (LOTS 2-A TO 2-D, INCLUSIVE)



PAUL H. ROSENDAHL, Ph.D., Inc.
Consulting Archaeologist

Report Ms. 101-01028

January 3, 1984
83-101

Mr. James C. Riggle
P. O. Box 828
Kealahou, Hawaii 96750

Subject: Archaeological Field Investigation
Private Subdivision Development
Waipunaula and Kalamakumu, South Kona
Island of Hawaii (TMK: 3-8-2-03:29)

Dear Mr. Riggle:

On Saturday, December 17, 1983, I conducted at your request an archaeological field inspection of the above subject parcel. The purpose of this inspection was to determine the presence or absence of any archaeological remains of potential historical significance. The 22.128 acre parcel is located in the lands of Waipunaula and Kalamakumu, South Kona District, Island of Hawaii. It is approximately 2,800 feet inland from the shoreline of Kealahou Bay, and rises in elevation from c. 400 to 900 feet above sea level. Rectangular in plan view, the parcel has dimensions of approximately 600 feet (NW-SE) by 1,600 feet (NE-SW), and is situated c. 260 feet seaward of the Government Main Road to Napoopoo, and immediately seaward of the Old Government Road right-of-way--which extends along the inland boundary of the parcel. The parcel originally comprised portions of Grant 867 and L.C.Aw. 8559 (Royal Patent 4497).

The archaeological field inspection was carried out in response to the suggestion of your development consultant, Wes Thomas & Associates, Inc. (Kailua-Kona), as part of your proposed subdivision of the parcel into four lots of approximately five acres each. As part of relevant background research, I checked with the Hawaii County Planning Department in Hilo concerning the presence of any previously recorded archaeological sites within the limits of your parcel. No records were found concerning any specific sites known to be present within the limits of your parcel; however, as had been indicated earlier to you, the parcel is situated within the overall four-corner locational boundary of the Kona Field System (Hawaii Register of Historic Places Site No. 50-10-37-6601), a very large complex (c. 3 miles by 18 miles in extent) of aboriginal Hawaiian cultivation and habitation features declared eligible (January 1977) for inclusion on the National Register of Historic Places. In addition, your parcel is located just outside of the four-corner locational boundary of the Kealahou Bay Historic District (H.R.H.P. Site No. 50-10-47-7000), an extremely important

EXHIBIT 5 4-pages

historical district that had been placed on the National Register of Historic Places several years ago (December 1974). It should be noted that a pre-field work review of available aerial photographs of the area including the subject parcel failed to reveal the presence of any recognizable features--particularly low stone walls and earthen embankments that define rectangular field units--that are characteristic of the Kona Field System.

I carried out the field inspection of the subject parcel on December 17, 1983, with the assistance of Field Archaeologist Alan T. Walker and yourself. Our work consisted of the walk-through inspection of virtually the entire parcel. We first met on-site with you, and you were able to provide information concerning the recent history and utilization of the parcel. We then proceeded to traverse the parcel by sweeping at varying intervals from each other down through the southeast side of the parcel--from the inland end to the seaward end, and then back up again through the northwest side of the parcel--to the inland end.

The parcel comprises relatively steep terrain (average grade 25-30%), and is dissected for most of its length by a major dry watercourse that periodically flows with surface water runoff. The ground surface of the parcel obviously has been extensively modified at some time in the recent past--apparently the parcel was grubbed and partially bulldozed several years ago for improved cattle pasture. According to your information, this clearing work was done by one of the prior landowners, Kealakekua Ranch, in either the late 1950s or early 1960s. I made several attempts to contact Sherwood Greenwell of Kealakekua Ranch to confirm this information, but have not been able to reach him because of his extended illness. The current vegetation cover, which is relatively sparse and open due to lack of recent rainfall, is clearly what would be expected for cleared land, and consists almost entirely of historically introduced exotics. This vegetation cover is comprised principally of scattered individuals and varying density stands of koa-haole, large specimens of monkeypod, scattered small groups of relatively large kukui (candle nut), occasional clusters of feral coffee, and a low ground cover of shrubs, grasses, and weeds. The sparseness of the vegetation facilitated inspection of the parcel in that it was relatively easy both to traverse the property and to identify any visible surface structural remains.

Our field inspection revealed that virtually the entire parcel (90-95%) had been substantially modified by grubbing and bulldozing several years ago, and that the only surviving surface

structural remains present are scattered and remnant dryland agricultural features. No habitation sites or any other kind of substantial surface structural features were found. A few (7 or 8) small garden areas--fragments of the Kona Field System--were found in very irregular distribution as "islands" left within the modified parcel. These garden remnants are very rocky areas--maximum plan dimension of c. 35 meters--containing a variety of commonly observed structural features of aboriginal Hawaiian dryland cultivation, including modified natural stone outcroppings, irregular stone piles, small cleared areas, and small, crude, terrace-like features. No habitation features were noted within the garden remnants, which presently exhibit a vegetation cover of feral coffee trees--an historic period introduction commonly found planted among older aboriginal agricultural features of the more seaward portion of the Kona Field System situated in South Kona. It is obvious that these more rocky areas were avoided during the recent historic period grubbing and bulldozing that has altered most of the subject parcel.

The only other surface structural remains observed were three scattered examples--remnants of field boundary walls or ridges which represent the principal defining characteristic of the Kona Field System. These three portions of field boundaries were linear, low piled stone mounds or embankments, varying from c. 1.0 to 2.0 meters in width and from c. 35 to 50 cm. in height, and extending in an inland-seaward orientation for c. 20 meters at most. Each of these three field boundary remnants had also been partially modified by the grubbing and bulldozing, which had left additional stones against and atop the embankments.

Only two portable artifacts, both in obviously secondary contexts, were found on the surface during our field inspection. An informal hammerstone, a water-worn basalt cobble with pecked depressions/use wear, was found at the base of a bedrock outcrop in the north-central portion of the parcel. A discoidal rubbing stone, a vesicular basalt cobble with shallow bifacial concavities, was found in the open grubbed area in the northern-inland portion of the parcel. Both artifacts were left in place where found.

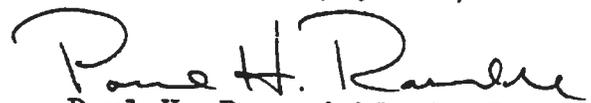
The limited surface structural remains identified during the field inspection represent only scattered and poorly preserved remnants of the extensive Kona Field System--which extends from the land of Honokohau on the north to the land of Hookena on the south. Considering the location of the subject parcel, the presence of characteristic surface structural remains of aboriginal dryland cultivation was to be anticipated. The stone remains

encountered on the subject parcel are common features of the field system, are in generally poor physical condition, and exhibit a generally low degree of integrity--as the result of the recent historic period grubbing and bulldozing. No habitation sites or any structural features other than the scattered dissassociated cultivation features were found within the subject parcel.

In my opinion, the remnant archaeological remains found within the parcel are of only minimal significance, having little or no potential research, interpretive, cultural or preservative value. No further archaeological work of any kind is believed necessary or justified, and the continued preservation of the scattered remnants of aboriginal dryland cultivation is not considered essential on the basis of any archaeological criteria. Upon completion of the field inspection, I discussed our findings with Ms. Virginia Goldstein--staff planner and historic sites specialist in the Hawaii County Planning Department (December 19, 1983). She concurred with my conclusions and recommendations. Therefore, I recommend full archaeological clearance be granted for the subject parcel. It should be noted that my conclusion and recommendation is given on the basis of the surface field inspection, and with the general qualification that during any development activity involving the modification of the ground surface there is always the possibility that previously unknown or unidentified subsurface cultural features or deposits might be encountered. In such a situation, immediate archaeological consultation should be sought.

If you have any questions, or if we can be of any service in the future, please contact me.

Sincerely yours,


Paul H. Rosendahl, Ph.D.
President and Principal
Archaeologist

PHR:1b

Enclosure: Invoice No. 101-010584

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



SUSUMU ONG, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
P. O. BOX 6218
HONOLULU, HAWAII, 96809

DIVISIONS:
AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LANDS MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

JAN 25 1984

Mr. Sidney Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii, 96720

Dear Mr. Fuke:

**SUBJECT: Special Management Area (SMA)
Use Permit Application
Proposed 4 Lot Subdivision
James C. Riggie
Waipunaula and Kalamakumu, South Kona, Hawaii
TMK: 8-2-03-29**

Thank you for your letter of January 17, 1984 requesting our comments on the subject application which is located within the Kealahou Bay Historic District (site #7000) and the Kona Field System (site #6601), which are listed on the National Register of Historic Places and determined Eligible for Placement on the National Register, respectively.

Our review of the subject application and attached archaeological reconnaissance survey for the subject parcel (Rosendahl, 1984) has resulted in our concurrence that archaeological clearance for the parcel be granted. This recommendation is due to the lack of any significant cultural remains on the parcel (Rosendahl, 1984:4).

We do recommend that in the event that 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, please direct the applicant to stop work and contact our office at 548-7460 immediately.

Sincerely yours,

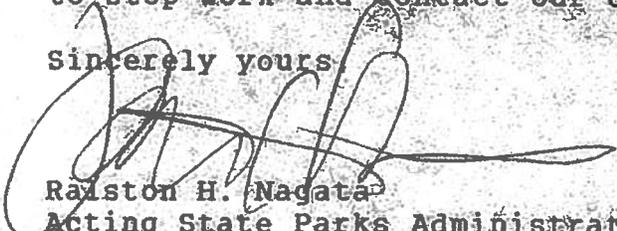

Ralston H. Nagata
Acting State Parks Administrator

EXHIBIT 6

OEQOC BULLETIN



George R. Ariyoshi
Governor

Letita N. Uyehara
Interim Director

Handwritten signatures and initials:
1/24/84
1/19/84
[Other illegible marks]

Office of Environmental Quality Control
550 Halekauwila St., Rm. 301, Honolulu, Hawaii Ph. (808)548-6915

Volume I February 23, 1984 No. 02

REGISTER OF CHAPTER 343, HRS DOCUMENTS

EIS PREPARATION NOTICE

The following proposed action has been determined to require an environmental impact statement. Anyone can be consulted in the preparation of the EIS by writing to the listed contacts. 30 days are allowed for requests to be a consulted party.

Contact: Mr. Toshiaki Kimura
Department of Housing and
Community Development
City and County of Honolulu
Honolulu Municipal Building
650 South King Street, 5th Floor
Honolulu, Hawaii 96813

Deadline: March 24, 1984.

KAAHUMANU PROJECT, HONOLULU, OAHU, City and County of Honolulu Dept. of Housing and Community Development

NEGATIVE DECLARATIONS

The proposed action is to develop a mixed use complex on the City-owned Kaahumanu Parking Facility and District Court sites. The proposed development would include a 400-600 room executive hotel to accommodate business persons, other compatible commercial uses, a community events center, and a mini-conference center. The Kaahumanu Parking Facility (TMK: 2-1-2:16, 20 and 56) is 61,142 sq. ft. in area and is bounded by Queen, Bethel and Merchants Sts. The District Court site (TMK: 2-1-2:24 and 26) consists of 28,771 sq. ft. and is bounded by Nuuanu Ave., Nimitz Hwy., Bethel and Merchant Sts. The affected site properties, totaling 89,913 sq. ft. (2.06 acres) is zoned B-4 (Central Business District).

The following are Negative Declarations or determinations made by proposing or approving agencies that certain proposed actions will not have significant effects on the environment and therefore do not require EIS's (EIS Reg. 1:4p). Publication in the Bulletin of a Negative Declaration initiates a 60-day period during which litigation measures may be instituted. Copies are available at 25 cents per page upon request to the Office. Written comments should be submitted to the agency responsible for the determination (indicated in project title). The Office would appreciate a copy of your comments.

OAHU

PAUOA ELEMENTARY SCHOOL NEW ENTRANCE TO PARKING LOT, PAUOA, OAHU, Dept. of Accounting and General Services for the Dept. of Education

one ft. The seawall is also located within the 40-ft. Shoreline Setback Area. The proposed two-story, accessory building will cover an area of 3140 sq. ft. The ground floor will include a pro shop, men's and women's locker and shower facilities, snack bar, reservation office, and storage areas. The second floor will include a two-bedroom caretaker's apartment, warm-up areas, and deck and planter areas. The total interior area will be 5962 sq. ft. Off-street parking will be provided for 30 automobiles and one truck. The project site is located between the shoreline and Kalaniana'ole Hwy., at 5275 Kalaniana'ole Hwy (TMK: 3-6-02:04), Aina Haina, Oahu. Immediately to the Diamond Head side of the project site is the Kansai Gaidai - Hawaii College.

situated on a 5-acre parcel in Kaluaaha, Molokai. The project site is identified as TMK: 5-7-11:11 and is across from the existing Moana Beach Lots Residential Subdivision. The parcel also borders undeveloped private lands. Development of the parcel would include the construction of 22 residential lots and dwellings. The proposed structures will be of one-story, wood frame construction and comprise a total of 1,104 sq. ft. The dwellings will be of 3 bedrooms, 1-1/2 baths configuration. The project is designed to provide homes for low-moderate income families.

HAWAII

PROPOSED 4-LOT SUBDIVISION, WAIPUNAUULA AND KALAMAKUMU, SOUTH KONA, HAWAII, James C. Riggle/County of Hawaii Planning Dept.

The applicant proposes to subdivide the existing 22.13-acre parcel into two 5-acre and two 6.06-acre lots for intensive agricultural use of the property. Physical activities will include the surveying and staking of land; construction of a roadway, approx. 1,150 ft., with a 20-ft. wide pavement within a 50-ft. right-of-way; and related improvements. Approx. 650+ ft. of the proposed roadway will be constructed as an extension of an existing easement on the adjacent property. The subject property is identified as TMK: 8-2-03:29 and is situated along the makai side of the Old Government Main Road in Waipunaula and Kalamakumu, South Kona, Hawaii. It is located approx. 2,800 ft. from the shoreline mauka of Kealakekua Bay. The subject property is situated within the Kona Field System Site No. 50-10-37-6601 which is listed on the Hawaii Register of Historic Places and has been declared eligible for the National Register.

MAUI

CONSERVATION DISTRICT USE APPLICATION FOR A COMFORT STATION, HANA, MAUI, Rainbow Fruit and Flower Co./Dept. of Land and Natural Resources

The applicant proposes to provide a comfort station for its workers. The comfort station will contain 3 facilities: a toilet facility for workers occasional relief; a large sink facility for washing hands and rinsing muddied work clothing; and a pau hana shower facility for workers excessively muddied in the course of their work. A cesspool will also be dug. This comfort station and cesspool are to be located on land identified as TMK: 2-9-14:16 in Hana, Maui.

MOLOKAI

DEVELOPMENT OF A HOUSING PROJECT, KALUAHA, MOLOKAI, Hawaii Housing Authority

The proposed development is a single family, detached housing project to be



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720
(808) 961-6266

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

CERTIFIED MAIL

February 28, 1984

Mr. James C. Riggle
P. O. Box 828
Kealahou, HI 96750

Dear Mr. Riggle:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 84-3
Applicant: James C. Riggle
Tax Map Key 8-2-03:29

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed a SMA Minor Use Permit No. 84-3 for the subdivision of a 22.13-acre parcel into four lots and related improvements situated along the makai side of the Old Government Main Road in Waipunaula and Kalamakumu, South Kona, Hawaii, TMK: 8-2-03:29.

Please note that the permit approval is also subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Secure a grading permit from the Department of Public Works.
4. Comply with the requirements of the Department of Public Works with respect to the drainageway.

EXHIBIT 8 15-pages

Mr. James C. Riggle
Page 2
February 28, 1984

5. Should any unanticipated archaeological features such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls be found during grading or construction, work shall immediately cease and the Planning Director and the Division of State Parks shall be immediately notified. Work shall not resume until approval is received from the Planning Director.
6. All other applicable rules, regulations and requirements shall be complied with.

Should the foregoing conditions not be met, this Special Management Area Minor Use Permit shall be void.

Should you have any questions regarding the above, please do not hesitate to contact Edward Cheplic of this department at 961-8288.

Sincerely,


SIDNEY FUKÉ
Planning Director

AK:lgv
Enclosures
cc: Chief Engineer w/enc.

PLANNING DEPARTMENT - PLANNING COMMISSION

COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 84-3

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on February 24, 1984
an assessment on the application of James C. Riggle
for a Special Management Area (SMA) Minor Use Permit pursuant to
Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to
Administrative Procedures, as amended. The permit request is for: the
subdivision of a 22.13-acre parcel into four lots and related improvements
situated along the makai side of the Old Government Main Road in
Waipunaula and Kalamakumu, South Kona, Hawaii, Tax Map Key 8-2-03:29.

As indicated on the attached report, the Director finds that the proposed
development is:

- (1) not in excess of \$65,000; and
- (2) will not significantly affect the SMA.

Therefore, with the concurrence of the Chief Engineer, the Director
hereby grants to the applicant a minor use permit under the authority vested
in him by Section 9.7.C of said Rules, with the following condition(s) that:
(SEE ATTACHED CONDITIONS)

for
David H. Murekani
Chief Engineer, DPW

M. Charles
Planning Director

for
Attachment

SMA Minor 84-3: JAMES C. RIGGLE
Conditions

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Secure a grading permit from the Department of Public Works.
4. Comply with the requirements of the Department of Public Works with respect to the drainageway.
5. Should any unanticipated archaeological features such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls be found during grading or construction, work shall immediately cease and the Planning Director and the Division of State Parks shall be immediately notified. Work shall not resume until approval is received from the Planning Director.
6. All other applicable rules, regulations and requirements shall be complied with.

Should the foregoing conditions not be met, this Special Management Area Minor Use Permit shall be void.

BACKGROUND

Mr. James C. Riggle is requesting a Special Management Area (SMA) Use Permit to allow the subdivision of a 22.13-acre parcel into four lots and related improvements. The subject property is situated along the makai side of the Old Government Main Road in Waipunaula and Kalamakumu, South Kona, Hawaii, Tax Map Key 8-2-03:29.

The applicant proposes to subdivide the subject property into two 5-acre and two 6.06-acre lots for intensive agricultural use of the property. The proposal will include the surveying and staking of land; construction of a roadway, approximately 1,150 feet, with a 20-foot wide pavement within a 50-foot right-of-way; and related improvements.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map, designates the area as Orchards. The State Land Use District classification is "Agricultural" and the County zoning designation is "Unplanned."

The Soil Survey of the Island of Hawaii, prepared by the U.S. Department of Agriculture, Soil Conservation Service, classifies the soil as in the Kainaliu Series which consists of well-drained silty clay loams that formed in volcanic ash. In a representative profile, the surface layer is very dark brown extremely stony silty clay loam about 10 inches thick. The subsoil consists of dark-brown very stony silty clay loam and silt loam, about 16 inches thick and is underlain by fragmental Aa lava. Permeability is rapid, runoff slow, and the erosion hazard is slight. Generally, most of the acreage can be used for coffee, macadamia nuts and pasture. A small acreage is used for truck farm.

The subject property is located within the Kona Field System (Site No. 50-10-37-6601) which is listed on the Hawaii Register of Historic Places and has been declared eligible for the National Register. An archaeological reconnaissance survey was conducted by Dr. Paul H. Rosendahl for the proposed subdivision. The survey concluded that the identified remnant archaeological remains found are of only minimal significance, having little or no potential research, interpretive, cultural or preservative value.

In compliance with Chapter 343, HRS, Relating to Environmental Impact Statements, a negative declaration was submitted to the Office of Environmental Quality Control and published in its February 23, 1984 bulletin.

The project site has been substantially modified by grubbing and bulldozing several years ago. As such, there are no known rare or endangered species of plant or animal associated with the subject or surrounding area.

The immediate adjacent properties are similarly zoned Unplanned. Surrounding land uses include single-family dwellings, coffee fields and vacant lands.

Access to the proposed lots will be from the Lower Government Road via an existing 50-foot right-of-way easement.

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, depicts the area outside of the potential coastal high hazard area.

According to the South Kona Flood Hazard Analyses (July 1977), prepared by the U.S. Department of Agriculture, Soil Conservation Service, a natural drainage watercourse traverses the subject parcel

approximately 1,500 feet from the easterly boundary to its northwesterly corner boundary. Said watercourse is located within the 100-year flood limit.

The total cost of the proposed development will be approximately \$63,000.

A SMA Minor Use Permit is hereby approved based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed development should not create any substantial adverse impact on the environmental or ecological resource of the Special Management Area. The applicant proposes to subdivide the 22.13-acre parcel into four lots and provide related improvements for intensive agricultural use of the property. Since the subject property was previously modified substantially, there are no known rare or endangered flora or fauna in the area. As such, the proposed improvements will not result in an increase of environmental impact to the subject or surrounding area.

The proposed project is consistent with the Objectives, Policies and SMA Guidelines. These were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational/scenic resources, coastal ecosystems, economic use, and coastal hazards. Remnants of the dryland agricultural features and of the Kona Field boundary walls

or ridges were found on the project site. However, these archaeological features have been identified as having minimal historical value. The proposed development will be conducted a significant distance from the shoreline and thereby, no significant adverse impact to coastal ecosystem is expected to result from this action.

There is a natural drainage channel traversing portion of the project area. While the property is located within the 100-year flood limit, any potential hazard to the subject parcel can be mitigated through the requirements of the Department of Public Works and the conditions of approval.

The subdivision of land into five+ acres for agricultural purposes is consistent with the intended use of land by the General Plan and the Unplanned zoning of the subject property.

Based on the above, it is determined that the granting of the subject request will not create any significant adverse effect on the environment; and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to the Coastal Zone Management and Rule 9 relating to the Special Management Area or the General Plan and Zoning Code of the County of Hawaii.

An SMA Minor Use Permit is further approved subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Secure a grading permit from the Department of Public Works.

4. Comply with the requirements of the Department of Public Works with respect to the drainageway.
5. Should any unanticipated archaeological features such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls be found during grading or construction, work shall immediately cease and the Planning Director and the Division of State Parks shall be immediately notified. Work shall not resume until approval is received from the Planning Director.
6. All other applicable rules, regulations and requirements shall be complied with.

Should the foregoing conditions not be met, this Special Management Area Minor Use Permit shall be void.

ENVIRONMENTAL ASSESSMENT - NEGATIVE DECLARATION

Applicant: James C. Riggle
P. O. Box 828
Kealahou, Hawaii 96750

Approving Agency: County of Hawaii Planning
Department

Consulting Agencies: State Department of Land and
Natural Resources, Historic
Sites Division
Napoopoo-Keel-Honaunau Community
Association

PROPOSAL

The applicant proposes to subdivide approximately 22.13 acres of land into four lots and perform improvements necessary for subdivision approval. The project site is located in Waipunaula and Kalamakumu, South Kona, Hawaii, Tax Map Key 8-2-03:29.

CLASS OF ACTION

The subject property is situated within the Kona Field System which is listed on the Hawaii Register of Historic Places.

PROJECT DESCRIPTION

The applicant proposes to subdivide the existing 22.13-acre parcel into two 5-acre and two 6.06-acre lots for intensive agricultural use of the property. Physical activities will include the surveying and staking of land; construction of a roadway, approximately 1,150 feet, with a 20-foot wide pavement within a 50-foot right-of-way; and related improvements. Approximately 650+ feet of the proposed roadway will be constructed as an extension of an existing easement on the adjacent property.

PROJECT SITE DESCRIPTION

The subject property, consisting of approximately 22.13 acres, is situated along the makai side of the Old Government Main Road. It is located approximately 2,800 feet from the shoreline mauka of Kealakekua Bay. The parcel is at an elevation ranging from 400 to 900 feet above mean sea level and comprises relatively steep terrain with an average grade of 25% to 30%.

SOILS

The Soil Survey of the Island of Hawaii, prepared by the U.S. Department of Agriculture, Soil Conservation Service, classifies the soil as in the Kainaliu Series which consists of well-drained silty clay loams that formed in volcanic ash. In a representative profile, the surface layer is very dark brown extremely stony silty clay loam about 10 inches thick. The subsoil consists of dark-brown very stony silty clay loam and silt loam, about 16 inches thick and is underlain by fragmental Aa lava. Permeability is rapid, runoff slow, and the erosion hazard is slight. Generally, most of the acreage can be used for coffee, macadamia nuts and pasture. A small acreage is used for truck farm.

BIOLOGICAL FEATURES

The project site has been previously grubbed and bulldozed several years ago for improved cattle pasture. Vegetation is comprised principally of scattered and varying density stands of koa-haole, monkeypod trees, scattered groups of kukui (candle nut),

feral coffee, and low shrubs, grasses and weeds. No rare flora or fauna are known to exist within the project area.

NATURAL HAZARDS

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, depicts the area outside of the potential coastal high hazard area.

According to the South Kona Flood Hazard Analyses (July 1977), prepared by the U.S. Department of Agriculture, Soil Conservation Service, a natural drainage watercourse traverses the subject parcel approximately 1,500 feet from the easterly boundary to its northwesterly corner boundary. Said watercourse is located within the 100-year flood limit.

The County Department of Public Works provided, in part, the following comments:

"Portion of subdivision is located within drainageway. All reviewing agencies shall be informed of the special flood hazard designation. As required by Chapter 27, all subdivisions within special flood hazard areas shall:

- a. Have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
- b. Have adequate drainage provided to reduce exposure to flood damage;
- c. Identify the areas of special flood hazards on the final plat map; and
- d. Indicate the base (100 yr.) flood and ground elevations of all lots on the final plat map."

"No additional flowage caused by proposed development will be allowed onto adjacent properties and drainage."

SOCIO-ECONOMIC CHARACTER

The subject property is within the State Land Use "Agricultural" District and is zoned "Unplanned" by the County of Hawaii. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Orchards. The immediate adjacent properties are similarly zoned.

Surrounding land uses include single-family dwellings, coffee fields and vacant lands.

The subject property is situated within the Special Management Area (SMA) of the County of Hawaii. As such, any development will be subject to review under Rule 9 relating to the Special Management Area or Chapter 205-A, HRS, relating to Coastal Zone Management.

HISTORIC

The subject property is located within the Kona Field System (Site No. 50-10-37-6601) which is listed on the Hawaii Register of Historic Places and has been declared eligible for the National Register.

An archaeological reconnaissance survey was conducted by Dr. Paul H. Rosendahl for the proposed subdivision. The survey revealed that the entire parcel (90%-95%) had been substantially modified by grubbing and bulldozing several years ago. The surface structural remains present are scattered and remnant dry land agricultural features; and remnants of field boundary walls or

ridges which represent the principal defining characteristic of the Kona Field System. No habitation sites or any structural features were found within the subject parcel.

It was concluded that the remnant archaeological remains found are of only minimal significance, having little or no potential research, interpretive, cultural or preservation value.

The State Historic Sites Section of the Department of Land and Natural Resources concurred that archaeological clearance for the parcel be granted due to the lack of any significant cultural remains.

ENVIRONMENTAL IMPACT ANALYSIS/MITIGATING MEASURES

Socio-Economic Aspect

The subdivision of lands into lots greater than five (5) acres for agricultural purposes is consistent with the intended use of land by the General Plan and Zoning Code of the County of Hawaii. Neither access to the shoreline nor the viewplane will be affected by this action since all of the improvements will be conducted mauka of the government road. Access to the lower government road will be from an existing 50-foot wide easement.

Physical Aspect

The Kainaliu Series soil is characterized as having rapid permeability, slow runoff and slight erosion hazards. Flood hazards which may affect a limited portion of the total area are protected from 100-year floods by water control structures.

The requirements of the Department of Public Works should mitigate any drainage or erosion concerns which may arise as a result of this development. Future owners of the subject properties would be required to contact the Kona Soil and Water Conservation District office for assistance in developing an approved conservation plan or obtain the necessary grading or grubbing permits from the Department of Public Works for eventual development of the land.

Biological Aspect

The proposed project should not have any adverse effect upon any rare or endangered flora or fauna of the area since none are known to exist within the project site area.

Historic Aspect

The subject parcel is situated within the Kona Field System which is listed on the Hawaii Register of Historic Places and has been declared eligible for placement on the National Register. The State Historic Sites Section of the Department of Land and Natural Resources concurred with Dr. Paul H. Rosendahl's findings and as such granted archaeological clearance for the parcel. However, it is recommended that in the event that 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 shall cease and the applicant shall notify the Historic Sites Office.

DETERMINATION

Based on the foregoing considerations, it is determined that the proposed subdivision of land into four new lots and the performance of related improvements will not have any substantial impacts upon the environment. Therefore, a notice of a negative declaration is now being filed with this environmental assessment.

SOIL AND WATER CONSERVATION PLAN

JAMES RIGGLE

Cooperator

EXHIBIT 9 6-pages

KONA

CONSERVATION DISTRICT

Assisted by

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE



Kona

Soil and Water Conservation District

P. O. Box 2262
Kealahou, Hawaii 96750

0372

FARMER OR RANCHER-DISTRICT COOPERATOR AGREEMENT

Between

KONA SOIL AND WATER CONSERVATION DISTRICT

and

James C. Riggle
Name

5301 Henry Ave NW
Seattle, Wash 98107
Address

Tax Key: Zone 8 Section 28 Plat 3 Parcel 29 Acres 22

I am interested in conserving the soil and water on the Land described above and desire assistance in developing a conservation program. I agree to follow the programs to the best of my ability.

We, the Directors of the Kona Soil and Water Conservation District, agree to assist you in developing a conservation program for your land in accordance with its needs and capabilities. We also agree to assist you in carrying out your conservation program by providing such information and technical or other assistance that is available.

This agreement will remain in effect until cancelled by either party.

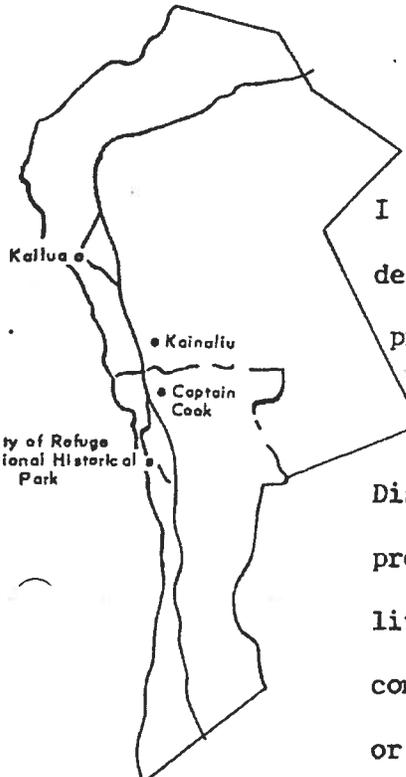
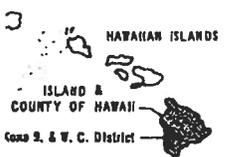
James C. Riggle
Cooperator

1-2-87
Date

Richard K. Truoka
District Chairman

1/13/87
Date

Priority



James Riggle
TMK: 8-2-03:29

SOILS DESCRIPTION

(KEC) KAINALIU EXTREMELY STONY SILTY CLAY LOAM

This is a well drained silty clay loam formed in volcanic ash. The surface layer is very dark brown extremely stony silty clay loam about 10 inches thick. The subsoil consists of dark brown very stony silty clay loam and silt loam about 16 inches thick and underlain by fragmental Aa.

The surface layer is medium acid, and the subsoil is neutral.

Included in mapping are small areas underlain by pahoehoe lava at a depth of less than 30 inches.

Permeability is rapid, runoff is slow, and the erosion hazard is slight.

JAMES RIGGLE

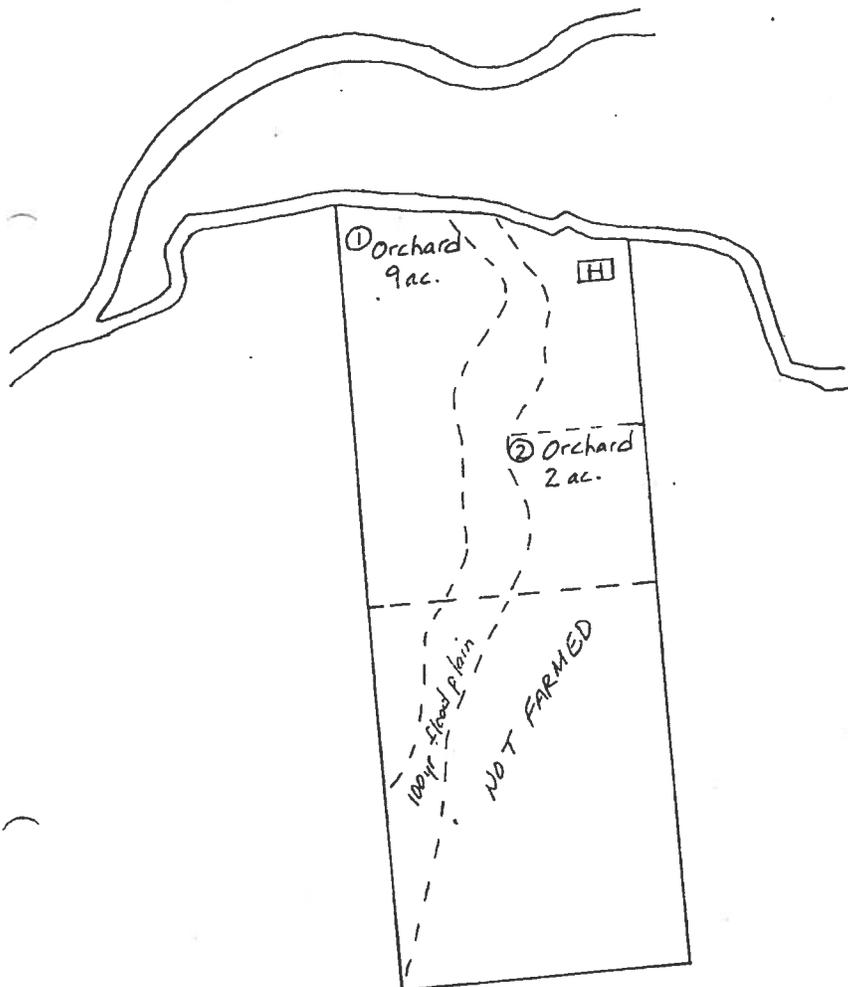
G. Kam

JAN. 1987

11 (22 ac parcel)

TMK: 8-2-03: 29

CONSERVATION PLANNING INFORMATION



**RECORD OF COOPERATOR'S DECISIONS
AND PROGRESS IN APPLICATION**

FIELD NO.	PLANNED		APPLIED		LAND USE AND TREATMENT
	AMOUNT	YEAR		MONTH AND YEAR	
1	1/9 ac	1987			<u>Irrigation System, Trickle</u> The avocado trees will be irrigated with a drip or trickle system.
2	1/2 ac	1987			<u>Irrigation System, Sprinkler</u> The coffee trees will be irrigated with a sprinkler system.
All	11 ac	1990			<u>Irrigation Water Management</u> Water will be applied in a judicious manner to keep the plants healthy and vigorous, while conserving water.
					<p><u>NOTE:</u></p> <p>IT IS THE RESPONSIBILITY OF THE COOPERATOR TO CHECK ON AND OBTAIN ALL OTHER NECESSARY LAND USE PERMITS, BUILDING PERMITS, ETC. CONTACT THE COUNTY OF HAWAII PUBLIC WORKS DEPARTMENT AND THE PLANNING DEPARTMENT BEFORE ANY WORK IS STARTED.</p>
COOPERATOR JAMES RIGGLE			ASSISTED BY GARY KAM		DATE Jan. 1987

RECORD OF COOPERATOR'S DECISIONS
AND PROGRESS IN APPLICATION

FIELD NO.	PLANNED		APPLIED		LAND USE AND TREATMENT
	AMOUNT	YEAR		MONTH AND YEAR	
All	11 ac	1987			<p>This is a 22 acre parcel identified by TMK: 8-2-03:29. The area is being subdivided into three lots. This conservation plan covers the mauka 11 acres. The elevation ranges from 700-850 feet and the average annual rainfall is 40 inches. The area will be planted to avocado and coffee. The South Kona Flood Hazard Analyses show that stream 5 runs through the property.</p> <p><u>Land Clearing</u></p> <p>The area will be cleared with a dozer and smoothed out to facilitate farming operations. The stream is not well defined on the property, however, the low area through the property will be treated as the stream. This area will be cleared with a minimum of disturbance. The original drainage patterns will not be changed with respect to abutting properties.</p> <p><u>Cover Crop</u></p> <p>A ground cover of grass and legume will be planted to control erosion and weeds. Selected grasses and legumes will be sown or sprigged at the start of the rainy season. Fertilizers and lime will be applied according to soil test recommendations. Undesired weeds and grasses will be controlled by spot application of approved herbicides and by mowing. The established grass/legume will be mowed as needed to keep its growth vigorous.</p> <p><u>Irrigation Water Conveyance</u></p> <p>Area will be serviced with County water</p>
All	11 ac	1987			
All	1000 ft	1987			
COOPERATOR JAMES RIGGLE			ASSISTED BY GARY KAM		DATE Jan. 1987

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE June 12, 1987

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: SUBDIVISION NO.: 83-187
Subdivider: James Riggle
Location: Waipunaulu and Kalamakumu, So. Kona, HI
TMK: 8-2-03:29
Folder No.: 8296.

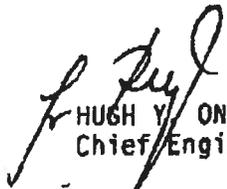
We have reviewed the subject subdivision final plat map and our comments are as follows:

- 1) For your information, the construction plans have been reviewed, however, final approval has not been granted.
- 2) The lot configurations and driveway "poles" to Lots 2-C and 2-D have been revised in relation to the preliminary submittal. Subdivider shall submit a contour map at 5' intervals where slopes within this subdivision exceed 10%.
- 3) Subdivider shall submit contours along the "pole" portions of Lots 2-C and 2-D. Driveways shall not exceed 15% grade.
- 4) Indicate:
 - a) Location and direction of all watercourses.
 - b) All areas subject to inundation by a 100 year storm.
 - c) All drainage easements.
 - d) Zoning within and adjacent to the subdivision.
- 5) Show width and purposes of all easements. Indicate name, curve radii and width of all proposed roads.
- 6) Submit any deed restrictions for review by DPK. Submit proof of permission granted by the DLNR to improve and use the 30' wide access easement.

EXHIBIT 10 2-pages

Planning Department
June 12, 1987
Page Two

- 7) Provide a joint use (common) driveway easement at the entrance to the "pole" portions of Lots 2-C and 2-D.
- 8) Identify access locations to Lots 2-B and 2-A. Provide plan and profiles of all driveways for review and approval by the DPW.
- 9) Provide a minimum 16' wide standard non-dedicable pavement with 7' wide shoulders along the entire length of the 30' wide access easement from the "lower Governmental Road" to the subdivision. Grades shall not exceed 12%.
- 10) Provide adequate drainage structures beneath the 16' wide access easement roadway for passage of all storm runoff along any existing drainageways.
- 11) Submit drainage calculations and a flood control plan for the subdivision. No additional storm runoff to adjacent properties due to subdivision development will be allowed. All additional storm flow generated by development shall be handled within the subdivision.
- 12) Submit revised construction plans for review and comment, along with the previous check set.


 HUGH Y. ONO
 Chief Engineer
 LEC:hsy

PROJECT PLANNERS HAWAII

5375 Kalaniana'ole Highway • Honolulu, Hawaii 96821

March 6, 2006

Ms. Mclanic Chincn
Administrator
State Historic Preservation Division
601 Kamokila Boulevard, Room 555
Kapolei, Hawaii 96707

Re: Ms. Cynthia Northrup and Dr. Elizabeth Marshall, Owners
Tax Map Key: 8-2-03: 029
Waipunaula, South Kona, Hawaii
SHPD Archaeological Clearance for Future Development

Dear Ms. Chincn:

Thank you very much for your letter dated February 28, 2006 responding to my request for determination on the subject parcel. It was sincerely appreciated. My clients have been in contact with Mr. James Riggle, previous owner of the subject property who spent considerable time and expense in determining the feasibility of subdividing said parcel into four, five (5) acre lots. Mr. Riggle has searched his old records in Seattle and sent the enclosed "Archaeological Field Investigation", prepared on January 3, 1984 by Paul M. Rosendahl, Ph.D., Inc. after a field inspection of the subject property that took place on December 17, 1983.

It recognizes that the subject property lies within the Kona Field System listed as Site No. 50-10-37-6601 on the Hawaii Register of Historic Places, and outside of the Kealakckua Bay Historic District (H.R.H.P. Site No. 50-10-47-7000. Dr. Rosendahl researched County and available records for significant sites located on the subject property prior to the field survey and found nothing. He did however, discuss and send a copy of the enclosed report to Ms. Virginia Golstein, then County Historic Officer who concurred with his findings. I believe Ms. Goldstein sent correspondence of her concurrence to SHPD, a copy of which is in Maryanne's possession in your Kona Office.

To summarize the field survey enclosed, no significant features were found due to prior clearing and bulldozing activities by Kealakckua Ranch (previous owner to Riggle) in the past. Due to Sherwood Greenwell's poor health at the time, no personal interview was possible. Mr. Greenwell is now deceased.

EXHIBIT 11 4-pages

Ms. Melanie Chinen
Tax Map Key 8-2-03: 29
Page Two

This field investigation report may serve as an inventory survey of the subject and was accomplished during the dry season in South Kona when exotic overgrowth was low and features easily located.

I personally walked the subject site on February 25, 2006, and report the following.

Starting at the mauka (east) boundary along the old government road, several new houses have been built with driveway access from the old roadway. The site is heavily vegetated at its mauka quadrant with Koa hauole, Elephant grass, banana Poka vines, feral cultivars from dumped yard waste, inclusive of African Tulip, Monkey pod, Mango, Opiuma, Avacado trees and decorative landscape palms near driveways and residences. Feral coffee subsists in some areas indicating coffee farming activities that would have involved further post Hawaiian clearing of the land by coffee farmers and ranchers.. Overgrowth was "thick", and visibility was less than several meters (ten feet) due to recent rainfall. The land slopes steeply down gradient to the ocean and shoreline. Enclosed herewith is a tax map of the subject property for your reference. No rare or endangered flora or fauna were encountered, although there was extensive evidence of feral pigs in the mauka quadrant evidenced by large turned, and uprooted, areas about two hundred feet makai of the old roadway along its entire length along with fecal droppings and rootless vegetation. A walk (sweep) approximately 200 feet makai of the old road by four persons along the entire upper boundary located no historic features except bulldozer tailings and loose rocks left from previous mechanical clearing activity. The area was absent of alignments (Kuaiwi planters and agricultural terrace features. No wall alignments and features are visible from the upper quadrant with the exception of a natural drainage way. It is assumed any historic features therein have been washed down gradient by flood waters.

The participants then drove to the makai boundary near Napoopoo. An existent subdivision abuts the property along its makai boundary, and all land below it is fully improved. The makai boundary consists of dried exotic introductions, scrub Keawe some pili grass and other invasive grasses and flora. Near the southwest boundary pin (located) were bulldozer tailings and evidence of mechanical clearing activity. Looking up gradient to the mauka boundary, no features were discernable. Shortly thereafter the site visit ended. Participants included Cynthia Northrup, Gregg Kashiwa, Ward Kashiwa and Dirk Van Deusen.

Based on this and the absence of features located during the field investigation report by Dr. Rosendahl enclosed herewith, I respectfully request you reconsider your request for an archaeological inventory survey that will require the entire property be walked again (twice) in its entirety. If you find the inventory survey is not required in keeping with Dr. Rosendahl's suggestion, I would sincerely appreciate issuance of a SHPD clearance for the subject Tax Map Key.

Ms. Melanie Chincn
Tax Map Key: 8-2-03: 29
Page Three

For your further information, my clients plan on submitting a subdivision application to the County in the near future and are aware of rules and regulations on unintentional subsurface findings during construction. They will fully comply with SHPD procedures therefore. You have my further assurance that every effort to locate historic features will be made during construction and all findings will be shared with your Kona Staff for disposition. Thank you very much for your kind consideration of this request, and I hope the enclosed report sheds valuable light on the status of this particular property. Mahalo and aloha.

Respectfully submitted,



Gregg Kashiwa
Representative for Owners

Encl. Report
Tax map

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



PLANNING DEPARTMENT
STATE OF HAWAII

JAN 12 AM 9:53

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY M. KAULAKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 6, 2011

Bethany Morrison
101 Pauahi Street
Hilo, HI 96720

LOG NO: 2011.3398
DOC NO: 1201MV03
Archaeology

Dear Ms. Morrison,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
County of Hawai'i Special Management Area Use Permit Application,
Elizabeth Marshall and Cynthia Northrup (SUB 11-001056)
Waipuna'ula Ahupua'a, South Kona District, Island of Hawai'i
TMK: (3) 8-2-003:029**

Thank you for the opportunity to review the subject permit application that was received by our office on December 22, 2011. According to the application, the owners are proposing to subdivide the 22.128 acre parcel into four parcels. A review of our records indicates that in a previous review of a permitting action on the subject parcel SHPD requested that an archeological inventory survey (AIS) was conducted (Log No. 2006.0492 Doc. No. 0602MM26). In 2006 an archaeological field inspection by Cultural Surveys Hawaii (CSH) satisfied this requirement as no sites were encountered, and the field work documented the previous disturbance of the property (SHPD Rpt. No H-02569). Based on the information obtained from the 2006 CSH field visit SHPD no longer believes that an AIS is necessary for this parcel and instead believes that **no historic properties will be affected** by this project.

However, in the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified during construction activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653.

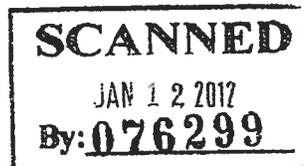
Please contact Mike Vitousek at (808) 652-1510 or Michael.Vitousek@Hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,

Michael Vitousek,
Acting Lead Archaeologist Hawaii Island Section
Historic Preservation Division

CC: gmoore@hawaii.rr.com

EXHIBIT 12





DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

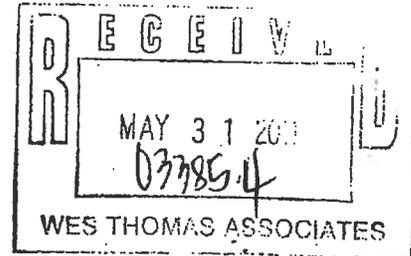
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 27, 2011

TO: Ms. BJ Leithead-Todd, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager-Chief Engineer

SUBJECT: **PRELIMINARY PLAT MAP
SUBDIVISION APPLICATION NO. 11-001056
APPLICANT – ELIZABETH MARSHALL AND CYNTHIA NORTHRUP
TAX MAP KEY 8-2-003:029**



We have reviewed the preliminary plat map for the subject subdivision and have the following comments and conditions.

Water can be made available from an existing 8-inch waterline within Nāpō'opo'o Road approximately 700 feet from the subject parcel. Please be informed that there are four (4) existing services (5/8-inch meters) to the subject parcel installed at the intersection of Nāpō'opo'o Road and Old Government Main Road. As there are existing services installed for each of the proposed four (4) lots, payment of the water commitment deposit and facilities charge will not be required.

Final subdivision approval will be subject to the following conditions:

1. Construct necessary water system improvements, which shall include, but not be limited to, the following:
 - a. extension of approximately 1,280 linear feet of 4-inch waterline, within Old Government Main Road, to front proposed Lot 2-A,
 - b. cut and plug the four (4) existing services to the subject parcel at the main,
 - c. installation of service laterals to accommodate a 5/8-inch meter fronting each proposed lot, and
 - d. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Construction plans showing the above improvements and prepared by a licensed professional engineer, registered in the State of Hawai'i, must be submitted for review and approval.

2. Construction of a minimum 10-foot wide all weather access road over the required 4-inch waterline including an adequate turn around area for meter reading and maintenance vehicles.

Additional

Ms. BJ Leithead-Todd, Planning Director

Page 2

May 27, 2011

3. Submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Should there be any questions, please contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

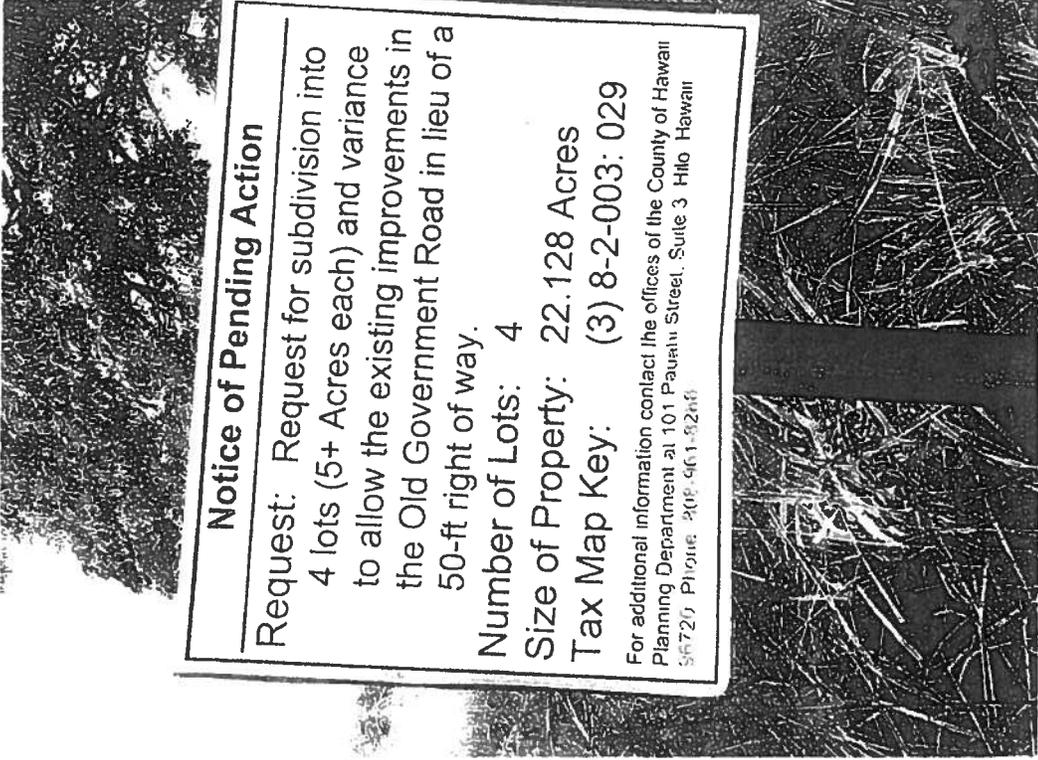
Sincerely yours,



Milton D. Pavao, P.E.
Manager-Chief Engineer

FM:dfg

copy - Elizabeth Marshall and Cynthia Northrup
Wes Thomas Associates



Notice of Pending Action

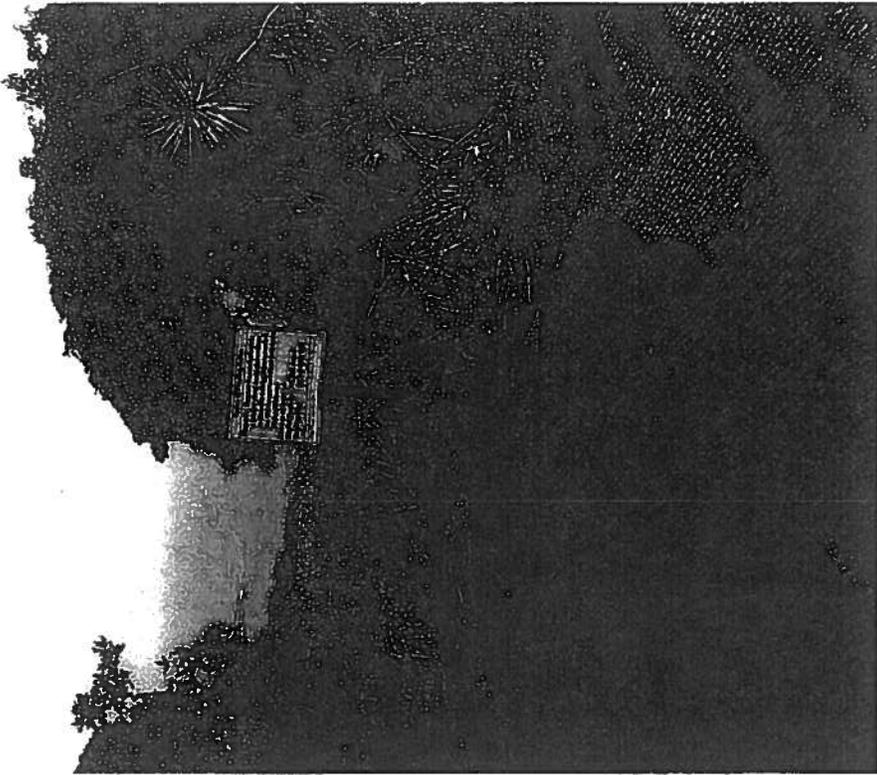
Request: Request for subdivision into 4 lots (5+ Acres each) and variance to allow the existing improvements in the Old Government Road in lieu of a 50-ft right of way.

Number of Lots: 4

Size of Property: 22.128 Acres

Tax Map Key: (3) 8-2-003: 029

For additional information contact the offices of the County of Hawaii Planning Department at 101 Pauahi Street, Suite 3 Hilo Hawaii 96720 Phone 808-961-8266



Notice of Pending Action

Request: Request for subdivision into 4 lots (5+ Acres each) and variance to allow the existing improvements in the Old Government Road in lieu of a 50-ft right of way.

Number of Lots: 4

Size of Property: 22.128 Acres

Tax Map Key: (3) 8-2-003: 029

For additional information contact the offices of the County of Hawaii Planning Department at 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720 Phone: 808-961-8288

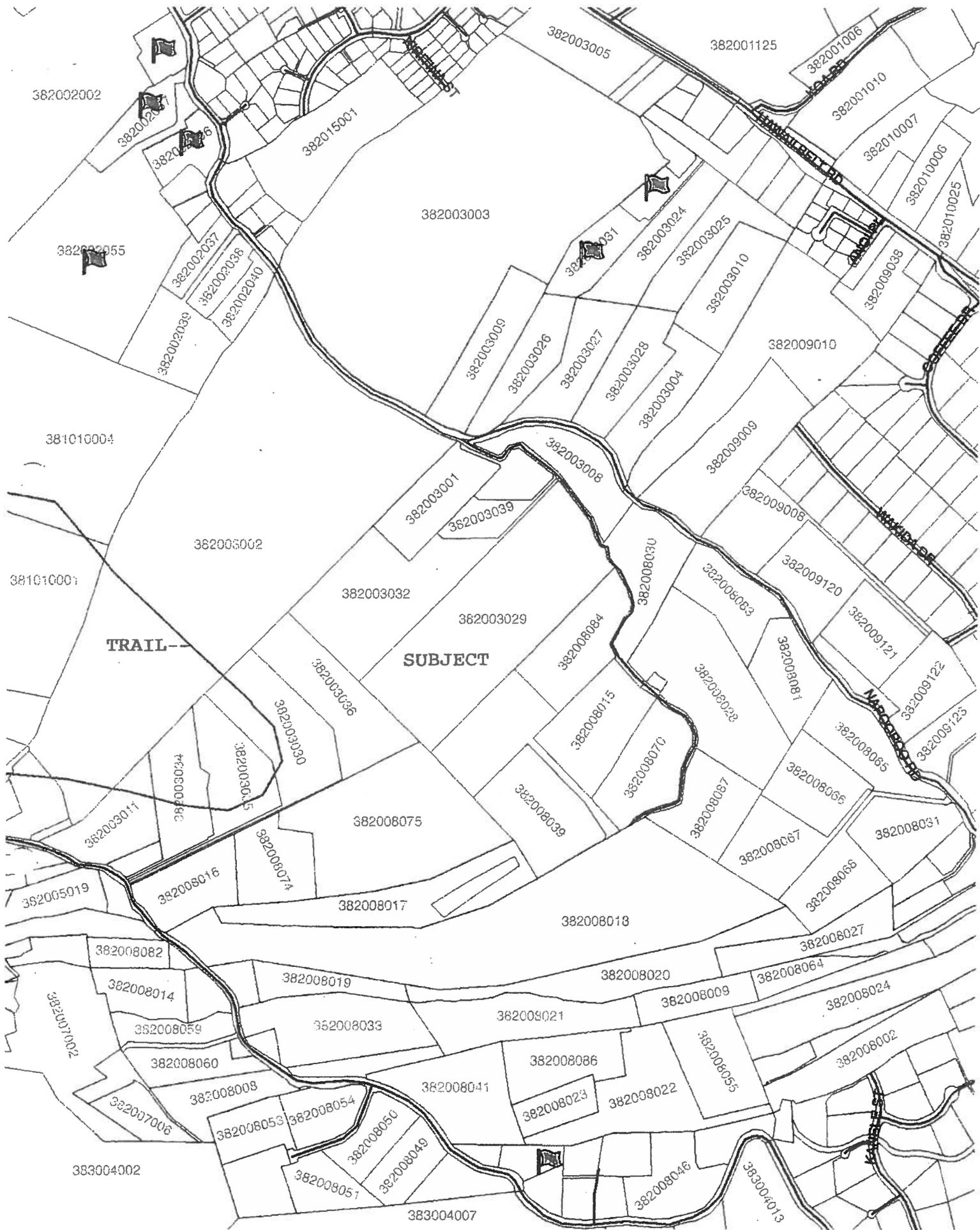


EXHIBIT 16

**THE FOLLOWING AGENCIES (FEDERAL, STATE AND COUNTY)
RECEIVING DRAFT ENVIRONMENTAL ASSESSMENT IN HARD COPY
RESPONDED AS LISTED AND RECEIVED OUR COMMENTS AND LETTERS OF APPRECIATION
DATED JULY 06, 2012**

AGENCY	MAILING ADDRESS
United States Department of Interior Fish and Wildlife Service	300 Ala Moana Blvd., Room 3-122 Honolulu, HI 96850-0056
State of Hawai'i Department of Hawaiian Home Land	P. O. Box 1879 Honolulu, HI 96805
State of Hawai'i Department of Health Environmental Health Administration	P. O. Box 3378 Honolulu, HI 96801
State of Hawai'i Department of Land and Natural Resources State Historic Preservation Division	601 Kamokila Blvd., Room 555 Kapolei, HI 96813
State of Hawai'i Department of Transportation	869 Punchbowl Street Honolulu, HI 96813
County of Hawai'i Department of Environmental Management	Pu'ainako Town Center 2100 Kanoelehua Avenue, Bay C-5 Hilo, HI 96720
County of Hawai'i Fire Department	25 Aupuni Street Hilo, HI 96720
County of Hawai'i Police Department	349 Kapi'olani Street Hilo, HI 96720
County of Hawai'i Department of Water Supply	345 Kekuanao'a Street, Suite 20 Hilo, HI 96720

EXHIBIT 17



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2012-TA-0316

JUN 20 2012

Mr. Klaus D. Conventz
Baumeister Consulting
P.O. Box 2308
Kailua-Kona, Hawaii 96475

Subject: Draft Environmental Assessment for a Four-Lot Subdivision at Waipunaula and Kalamakumu, Hawaii

Dear Mr. Conventz:

We received your May 20, 2012, Draft Environmental Assessment on May 22, 2012, requesting our comments on a proposed four-lot subdivision at Waipunaula and Kalamakumu in the South Kona District on the Island of Hawaii (Tax Map Key: [3] 8-2-3:29). Based on information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program, and the Hawaii GAP Program, the federally endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) and Hawaiian hawk (*Buteo solitarius*) have been observed in the vicinity of the proposed project. There is no federally designated critical habitat in the project area. To avoid and minimize impacts to these listed species, we recommend that you incorporate the following conservation measures into your project:

- The Hawaiian hoary bat roosts in both exotic and native woody vegetation and female bats leave their pups unattended in "nursery" trees and shrubs while foraging. If trees or shrubs suitable for nursing bats are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. As a result, woody plants greater than 15 feet (4.6 meters) tall should not be removed or trimmed between June 1 and September 15 during the construction and ongoing operation of the proposed project.
- To avoid impacts to Hawaiian hawks, we recommend against clearing any brush or trees during their breeding season (March through September). If you are unable to avoid clearing vegetation during these months, we recommend you conduct surveys for nests prior to any clearing activity and contact our office for survey methodology and further recommendations to avoid impacting Hawaiian hawk nests.

We appreciate the opportunity to provide technical assistance in your environmental compliance process for this project. If you have any questions regarding this letter, please contact Rachel Rounds, Fish and Wildlife Biologist, Consultation and Habitat Conservation Planning Program (phone: 808-792-9454; email: Rachel_Rounds@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Loyal Mehrhoff". The signature is fluid and cursive, with a large initial "L" and "M".

for Loyal Mehrhoff
Field Supervisor

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

United States Department of the Interior
Fish & Wildlife Services
Pacific Islands Fish and Wildlife Office
300 Ala Moana Blvd., Room 3-122, Box 50088
Honolulu, HI 96850

Reference: 2012-TA-0316 (Letter of June 20, 2012)
Subject: Draft Environmental Assessment for a 4-Lot Subdivision at Waipunaula and
Kalamakumu, South Kona, Hawaii
Applicant: Dr. Elizabeth Marshall and Carol Gibson
Tax Map Key: (3) 8-2-003:029

Aloha Ms. Rounds,

We've received your comments related to two species, the Hawaiian Hoary Bat and the Hawaiian Hawk.

We'll keep your advice in mind and will proceed with clearing of larger trees as well as brush outside the months of March through September, unless absolutely necessary and unavoidable.

In any case and with your permission, we would request your assistance for survey methodology and additional recommendations from your office to avoid impacting important fauna species.

We appreciate your timely effort and assistance in the pending action.

Mahalo,

Klaus D. Conventz
Consultant/Representative

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 25, 2012

Baumeister Consulting
Mr. Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant
Post Office Box 2308
Kailua-Kona, Hawaii 96745-2308

Dear Mr. Conventz:

Subject: Draft Environmental Assessment
4-Lot Subdivision at Waipunaula and Kalamakumu
Island of Hawaii, South Kona District

Thank you for the opportunity to review the Draft
Environmental Assessment for the 4-Lot Subdivision at
Waipunaula and Kalamakumu on the Island of Hawaii, South Kona
District for applicant Dr. Elizabeth Marshall, etal.

The Department of Hawaiian Home Lands has no comment to offer
at this time. If you have any questions, please contact our
Planning Office at (808) 620-9480.

Me ke aloha,

Jobie M. K. Masagatani, Chairman Designate
Hawaiian Homes Commission

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

State of Hawaii
Department of Hawaiian Home Land
P. O. Box 1879
Honolulu, HI 96805

Reference: Letter of May 25, 2012
Subject: Draft Environmental Assessment for a 4-Lot Subdivision at Waipunaula and
Kalamakumu, Island of Hawaii, South Kona District
Tax Map Key: (3) 8-2-003:029

Dear Chairman Designate Masagatani,

We would like to express our sincerest appreciation of your timely response to our request for comments.

With your permission we would like to direct any questions to your office in the future, as they may come up.

Mahalo,

Klaus D. Conventz
Consultant/Representative

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

12-101 DEA 4-Lot
Subdivision-Kona

June 4, 2012

Mr. Klaus D. Conventz, Consultant
Baumeister Consulting
P.O. Box 2308
Kailua-Kona, Hawaii 96745-2308

Dear Mr. Conventz:

**SUBJECT: Draft Environmental Assessment for the 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona District, Island of Hawaii
TMK: (3) 8-2-3: 29**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your letter, dated **May 20, 2012**. Thank you for allowing us to review and comment on the subject document. The document was routed to the various branches of the Environmental Health Administration. We have no comments at this time, but reserve the right to future comments. We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this application should be adhered to.

The United States Environmental Protection Agency (EPA) provides a wealth of information on their website including strategies to help protect our natural environment and build sustainable communities at: <http://water.epa.gov/infrastructure/sustain/>. The DOH encourages State and county planning departments, developers, planners, engineers and other interested parties to apply these strategies and environment principles whenever they plan or review new developments or redevelopments projects. We also ask you to share this information with others to increase community awareness on healthy, sustainable community design. If there are any questions about these comments please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Leialoha Phillips McIntyre".

Laura Leialoha Phillips McIntyre, AICP
Environmental Planning Office Manager
Environmental Health Administration
Department of Health
919 Ala Moana Blvd., Ste. 312
Honolulu, Hawaii 96814
Phone: 586-4337
Fax: 586-4370
laura.mcintyre@doh.hawaii.gov

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

State of Hawaii
Department of Health
Ms. Laura Leialoha Phillips McIntyre, AICP
Environmental Planning Office Manager
Environmental Health Administration
919 Ala Moana Blvd., Ste. 312
Honolulu, HI 96814

Reference: 12-101 Draft Environmental Assessment 4-Lot Subdivision Kona
Subject: Draft Environmental Assessment for a 4-Lot Subdivision at Waipunaula and
Kalamakumu, South Kona, Island of Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Ms. McIntyre,

Thank you very much for your comments in your letter of June 04, 2012.

We are grateful for your advice and will make good use of the source information available on the websites, in particular of the U.S. Environmental Protection Agency, as the development proceeds.

Your effort and timely response is very much appreciated.

Mahalo,

Klaus D. Conventz
Consultant/Representative

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY M. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

June 20, 2012

Klaus Conventz
PO Box 2308
Kailua-Kona, HI 96745-0898

LOG NO: 2012.1457
DOC NO: 1206MV22
Archaeology

Dear Mr. Conventz,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Draft Environmental Assessment for a 4 Lot Subdivision and
Installation of a Dedicated 4 Inch Waterline,
Waipunaula Ahupua‘a, South Kona District, Island of Hawai‘i
TMK: (3) 8-2-003:029**

Thank you for the opportunity to review the subject environmental assessment that was received by our office on May 18, 2012. According to the assessment, the owners are proposing to subdivide the 22.128 acre parcel into four parcels and install a dedicated 4 inch waterline. A review of our records indicates that in a previous review of a permitting action on the subject parcel SHPD requested that an archeological inventory survey (AIS) was conducted (Log No. 2006.0492 Doc. No. 0602MM26). In 2006 an archeological field inspection by Cultural Surveys Hawaii (CSH) satisfied this requirement as no sites were encountered, and the field work documented the previous disturbance of the property (SHPD Rpt. No H-02569). Based on the information obtained from the 2006 CSH field visit SHPD no longer believes that an AIS is necessary for this parcel. In addition, a resent SHPD review of a subdivision application on this parcel resulted in a determination of no historic properties affected (SHPD correspondence LOG NO: 2011.3398, DOC NO: 1201MV03). There is no new information that would negate this previous determination. Therefore, SHPD believes that **no historic properties will be affected** by this project.

However, in the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified during construction activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653.

Please contact Mike Vitousek at (808) 652-1510 or Michael.Vitousek@Hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,

A handwritten signature in cursive script that reads "Mike Vitousek".

Michael Vitousek,
Lead Archaeologist Hawaii Island Section
Historic Preservation Division

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, HI 96707

Reference: LOG NO.: 2012.1457 DOC NO.: 1206MV22 Archaeology
Subject: Chapter 6E-42 Historic Preservation Review
Draft Environmental Assessment for a 4-Lot Subdivision and Installation of a
dedicated 4-Inch Waterline, at Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Mr. Vitousek,

We hereby confirm, that in the event that historic resources of any kind, and as more specific described in your letter of June 20, 2012, are indentified pending the execution of the development and subsequent construction activity, work will cease immediately in the immediate vicinity of the find, including protection from any further disturbances of the site and contacting right away the State Historic Preservation Division under telephone number (808) 933-7653.

The applicants and undersigned would like to express their sincerest appreciation for your assistance, time and effort in the completion of the environmental review.

Mahalo,

Klaus D. Conventz
Consultant/Representative

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STP 8.0881

June 18, 2012

Mr. Klaus D. Conventz, dba Baumeister Consulting
P.O. Box 2308
Kailua-Kona, Hawaii 96745-2308

Dear Mr. Conventz:

Subject: Dr. Elizabeth Marshall, etal 4-Lot Subdivision
Draft Environmental Assessment (DEA)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project.

DOT understands the applicants (Dr. Elizabeth Marshall and Carol Gibson) propose to subdivide the subject 22.128 acre parcel into four lots. Access to the project will be from Old Government Road.

Given the location and the nature of the project, DOT does not anticipate any significant adverse impacts to the State transportation facilities.

DOT appreciates the opportunity to provide comments. If there are any other questions, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto".

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

c: Hawaii Planning Department

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

Reference: STP 8_0881
Subject: Environmental Assessment (DEA) Dr. Elizabeth Marshall etal 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Director,

The applicants and undersigned appreciate your prompt review and comments crucial to the Draft Environmental Assessment procedure.

Mahalo,

Klaus D. Conventz
Consultant/Representative

William P. Kenoi
Mayor

William T. Takaba
Managing Director



Dora Beck, P.E.
Acting Director

Hunter Bishop
Deputy Director

County of Hawai'i
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
25 Aupuni Street • Hilo, Hawai'i 96720
(808) 961-8083 • Fax (808) 961-8086
http://co.hawaii.hi.us/directory/dir_envmng.htm

May 29, 2012

Mr. Klaus D. Coventz
dba Baumeister Consulting
P. O. Box 2308
KailuaKona, HI 96745-2308

RE: Draft EA
4-Lot Subdivision at Waipunaula and Kalamakumu
TMK: 8-2-3:29
Applicant: Dr. Elizaeth Marshall, et al

Dear Mr. Coventz,

We have no comments to offer on the subject project.

Thank you for allowing us to review and comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Dora Beck".

Dora Beck, P.E.
ACTING DIRECTOR

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

County of Hawaii
Department of Environmental Management
Pu'ainako Town Center
2100 Kanoelehua Ave., Bay C-5
Hilo, HI 96720

Reference: Letter of May 29, 2012
Subject: Environmental Assessment (DEA) Dr. Elizabeth Marshall et al 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Director Beck,

The applicants and undersigned appreciate your prompt review and comments crucial to the Draft Environmental Assessment procedure.

Mahalo,

Klaus D. Conventz
Consultant/Representative

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Room 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

March 31, 2012

Mr. Klaus Conventz
Baumeister Consulting
PO Box 2308
Kailua-Kona, HI 96720

Dear Mr. Conventz,

DRAFT ENVIRONMENTAL ASSESSMENT
4-LOT SUBDIVISION AT WAIPUNAULA AND KALAMAKUMU
TMK: (3) 8-2-3:29

The Hawai'i Fire Department does not have any comments to offer at this time regarding the above-referenced DRAFT Environmental Assessment.

Thank you for the opportunity to comment.

Sincerely,

DARREN J. ROSARIO
Fire Chief

TG:lc



BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

County of Hawaii
Fire Department
25 Aupuni Street
Hilo, HI 96720

Reference: Letter of May 31, 2012
Subject: Environmental Assessment (DEA) Dr. Elizabeth Marshall et al 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Chief Rosario,

The applicants and undersigned appreciate your prompt review and comments crucial to the Draft Environmental Assessment procedure.

Mahalo,

Klaus D. Conventz
Consultant/Representative

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

June 4, 2012

Mr. Klaus D. Conventz
Consultant/Representative
Baumeister Consulting
P.O. Box 2308
Kailua-Kona, Hawai'i 96745-2308

Dear Mr. Conventz:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT
4-LOT SUBDIVISION AT WAIPUNAULA AND KALAMAKUMU
ISLAND OF HAWAII, SOUTH KONA DISTRICT
TAX MAP KEY: (3) 8-2-3:29

The above-referenced draft environmental assessment has been reviewed, and we have no objections or comments to offer at this time.

Should there be any questions, please contact Captain Richard Sherlock, Commander of our Kona District, at (808) 326-4646, ext. 299.

Sincerely,

HARRY S. KUBOJIRI
POLICE CHIEF



PAUL H. KEALOHA JR.
ASSISTANT POLICE CHIEF
AREA II OPERATIONS

RS
RS120307

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

County of Hawaii
Police Department
349 Kapi'olani Street
Hilo, HI 96720

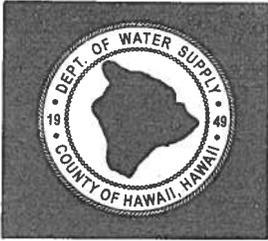
Reference: Letter of June 04, 2012
Subject: Environmental Assessment (DEA) Dr. Elizabeth Marshall et al 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Chief Kubojiri,

The applicants and undersigned appreciate your prompt review and comments crucial to the Draft Environmental Assessment procedure.

Mahalo,

Klaus D. Conventz
Consultant/Representative



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 5, 2012

Mr. Klaus D. Conventz
Baumeister Consulting
P.O. Box 2308
Kailua-Kona, HI 96745-2308

**DRAFT ENVIRONMENTAL ASSESSMENT
4-LOT SUBDIVISION AT WAIPUNLAULA AND KALAMAKUMU
SUBDIVISION APPLICATION NO. 11-001056
TAX MAP KEY 8-2-003:029**

We have reviewed the subject Draft Environmental Assessment.

Please refer to our comments and conditions stated in our May 27, 2011, letter to the County of Hawai'i, Planning Department, regarding the subject subdivision application.

Should there be any questions, please contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Quirino Antonio, Jr., P.E.
Manager-Chief Engineer

FM:dmj

copy - Dr. Elizabeth Marshall, et al.
Planning Department

BAUMEISTER CONSULTING
Klaus D. Conventz, B.D.B., M.S.
Real Estate Consultant

July 06, 2012

County of Hawaii
Department Water Supply
345 Kekuanao'a St., Ste. 20
Hilo, HI 96720

Reference: Letter of July 05, 2012
Subject: Environmental Assessment (DEA) Dr. Elizabeth Marshall et al 4-Lot Subdivision at
Waipunaula and Kalamakumu, South Kona, Hawaii
Tax Map Key: (3) 8-2-003:029

Dear Mr. Antonio,

The applicants and undersigned appreciate your prompt review and comments crucial to the Draft Environmental Assessment procedure.

Mahalo,

Klaus D. Conventz
Consultant/Representative