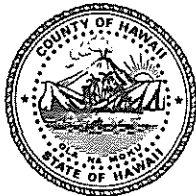


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

July 7, 1994

Mr. William Barrera, Jr.
President, Comstock Cultural
Resource Management, Inc.
65-1158 Mamalahoa Highway
P. O. Box 111333, Suite 233
Kamuela, HI 96743-0050

Dear Mr. Barrera:

Special Management Area (SMA) Minor Permit No. 14
Applicant: Comstock Cultural Management, Inc. for Dennis
Gordy
Request: Proposed Archaeological Test Pit Excavation
Tax Map Key: 5-7-1:11; Lapakahi, North Kohala, Hawai'i

We have received your letter of June 24, 1994, which indicates the distance of the proposed test pits from the shoreline, and a copy of the landowner's authorization for this project. Your application is now complete. We hereby issue SMA Minor Permit No. 14, with conditions, to allow the proposed excavation project.

PROJECT DESCRIPTION

- 1) Comstock Cultural Management, Inc., on behalf of Dennis Gordy, is requesting an SMA Minor Permit to allow the excavation of six test pits to assess the archaeological and historical significance of a 1.5 acre portion of the applicant's property. The project area is located in the northeastern part of a 17 acre parcel, TMK: 5-7-1:11, in Lapakahi, North Kohala, Hawai'i. The parcel is bounded by the ocean to the west, and by Lapakahi State Historical Park to the north, the east, and the south.

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- 2) The proposed pits will be located between 75 to 150 feet from the shoreline, in two sites which have been identified in this portion of the property. Each pit will measure approximately 50 centimeters wide by 50 centimeters long. The pits will not exceed 40 centimeters in depth, and all pits will be back filled to ground level with basalt pebbles and cobbles when the assessment is completed. Tools to be used include small hand picks, trowels, whisk brooms, and dustpans. The estimated cost of the excavation and survey is \$12,000.
- 3) The parcel is currently vacant land, which supports range grasses and keawe trees. The proposed excavation will involve minimal disturbance of the existing range grass.
- 4) The purpose of this project is to assess the significance of the sites present in the 1.5 acre portion of the property where the applicant would like to construct a house. Should the applicant decide to proceed, he plans to conduct an archaeological survey of the entire parcel, including the excavation of an additional six test pits. Another SMA Use Permit Assessment Application for this work will be filed at that time.

STATE AND COUNTY PLANS

- 5) The State Land Use District classification is **Conservation**, and the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is **Open**. The County zoning is **Unplanned**.
- 6) The project site is located within the Special Management Area; therefore, the project is subject to SMA review.
- 7) According to the State Department of Land and Natural Resources letter dated April 7, 1994, the project was determined to be an exempt action, in accordance with Title 11, Chapter 200, of the Environmental Impact Statement Administrative Rules. Therefore, this project does not require the preparation of an environmental assessment, a negative declaration, or an environmental impact statement as specified in Chapter 343, HRS, relating to the environmental review process.

SITE DESCRIPTION

- 8) The 1.5 acre project site is located in the northeastern portion of a 17 acre shoreline parcel, which is surrounded on three sides by Lapakahi State Historical Park. The parcel has roughly 2,000 feet of ocean frontage along its western boundary.
- 9) The parcel is currently vacant land. Excavations will be conducted within two identified archaeological sites; one site consists of 12 features, and the second site consists of one feature. A preliminary above-ground survey of all 13 features was submitted with the SMA application. Features described in this survey include probable habitation enclosures and terraces, a canoe shed, and a possible grave. A final archaeological report on these features will be prepared at the completion of the proposed test pit excavations.
- 10) The features are located between 75 to 150 feet from the ocean, at an elevation of less than 40 feet above sea level. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates the area as subject to minimal tsunami inundation; no panel is printed for this specific location.
- 11) The proposed excavation will be conducted entirely with hand tools and should result in minimal ground disturbance. The only vegetation in the excavation area is range grass, and the project should have no impact on any endangered species.

INFRASTRUCTURE

- 12) Access to the property is via unimproved jeep roads, which, according to the applicant's site plan, are roughly 10 feet wide. These jeep roads cross Lapakahi State Historical Park and connect to the Akoni Pule State Highway.
- 13) No utilities are presently available at the project site.

ASSESSMENT

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone areas.

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Special controls on development in these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that the proposed excavation is consistent with State and County SMA policies, as outlined below:

- a) **Recreational Resources:** The project will not interfere with recreational uses of the coastal area, as the excavations will be located well inland of the shoreline. The project will be of limited duration, and the test pits will be back filled to ground level when the survey is completed.
- b) **Historic and Natural Resources:** The project is intended to evaluate the historic resources at the site, and the results should enhance our understanding of Hawaiian settlements in the area. The proposed test pits are quite small, and they should not have any adverse effect on the area's natural resources.
- c) **Scenic and Open Space Resources:** The proposed excavations should have no impact on the coastal view plane, as no structures will be erected at the site.
- d) **Coastal Ecosystems:** The test pits will not be deeper than .4 meters, and all work will be done with hand tools. All excavations will be located at least 75 feet from the shoreline, and they should not have any adverse effect on the coastal ecosystem.
- e) **Economic Uses:** The project is consistent with State and County policies governing the Special Management Area. The excavations will enhance our knowledge of Hawaiian prehistory, and will not be detrimental to the shoreline environment. The landowner is attempting to assess the historical significance of his property, before proceeding with any development of the land.
- f) **Coastal Hazards:** Although the property is located in a tsunami hazard area, the proposed excavations will not intensify the coastal hazards at the site. This project will not disturb any above-ground features at the site.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the excavation of six archaeological test pits at the site will not be contrary to State and County policies

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governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, **subject to the following conditions:**


- 1) The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- 2) The proposed test pit excavations shall be completed within **two years** from the date of this permit. All test pits shall be back filled to ground level by the end of this two-year period.
- 3) The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
- 4) A progress report shall be submitted to the Planning Director within **six months** from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional progress reports will be required every six months, until all of the conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.
- 5) An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; and b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and c) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

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Please feel free to contact staff members Linda Copman or Alice Kawaha at 961-8288 if you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director



7/12/94

Chief Engineer

Date

LC:boa
SMM14

xc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section 