

August 2, 2008

Ron Terry
Geometrician Associates
P. O. Box 396
Hilo, Hawaii 96721

RE: Draft Environmental Assessment
Ki'ilae Farms Subdivision
South Kona, Hawaii
TMK (3) 8-5-006:001-029; 8-5-007:001-019

Aloha Ron,

I have reviewed the Draft Environment Assessment for the Ki'ilae Farms Subdivision and would like to submit the following comments.

Whether or not, in your opinion, they are environmentally relevant to the Draft EA, I need to address those items that appear to be taken out of context, distorted, and/or inaccurate. Not responding would give the erroneous impression that I agree with those statements or that the statements are accurate.

3.1.2. Drainage, Water Features and Water Quality

Page 12

The draft EA states that the Flood Insurance Rate Maps (FIRM) show that the project site is in Flood Zone X, outside the 100-year floodplain. However, the U.S. Army Corp of Engineers have been conducting studies since mid-2007 to update portions of the Flood Insurance Maps for South Kona, to include the Ki'ilae area, which included community meetings to gather information from the general public on flooding for this region. Results of the study, which will also include aerial photography of the region may determine new drainage basins and changes in the current floodplains that may have occurred since 1977. This study will be completed in November 2008.

Exhibit A1 and A2 are newspaper articles reporting the flood damage in South Kona, including Ki'ilae. Exhibit B1 and B2 are photos of the flooding from the Ki'ilae Stream that caused ponding of water on the highway on the north boundary of the Ki'ilae ahupua'a which cause road closures and traffic delays. Exhibit C is correspondence from the U. S. Army Corps of Engineers providing information on the South Kona District Flood Hazard Study.

I suggest that a final decision on the draft EA be postponed until the final study has been released as its findings may impact the project and its plan to measure and address impacts and mitigation.

3.2.2.1

Archaeological Resources

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Page 27

The Draft EA states that an additional 12 sites, that include SIHP Site 23151, were identified for preservation. I would like to clarify that this site was originally pegged for data recovery by the developer. Although my persistent efforts to preserve this site was contested by the developer, SHPD ultimately determined that this site was to be preserved in its entirety, forcing a revision of the 2004 Archaeological Preservation Plan.

As per Melanie Chinen's March 30, 2005 letter to Mr. Rechtman, I want to reiterate the revisions she made to the archaeological plan addressing the preservation of Site 23151 that needed to be included before the plan was approved (Exhibit D):

- A 20 foot buffer will be constructed along the boundary wall between the Ki'ilae and Kauleoli ahupua'a where no land alteration or building will be permitted along the preserved length of the wall.
- The Ki'ilae-Kauleoli boundary wall is to be preserved in its entirety to include the 550 meter portion extending mauka of the planned subdivision road.
- The makai portion of the wall that is shared with the adjacent National Park Service acquisition should be undertaken with consultation and coordination with the NPS to assure that any stabilization and reconstruction measures are not in conflict with Park Service policies for the portion of the site lying within their property.
- For the portion of the wall preserved mauka of the NPS acquisition area and the subdivision road, any existing breaches should be stabilized under the direct supervision of a qualified archaeologist and be restricted together dry-stack construction style or a methodology that's results in the appearance of dry-stack masonry. The work procedure must be documented and SHPD must be notified in writing of the action as a means of confirming the implementation of this plan.

- If any additional breaches are necessary, SHPD should be contacted for approval and the above-mentioned conditions fulfilled.
- Future lot owners should be notified of their obligations and options under the archaeological plan.

I suggest that a survey of the boundary wall be done using the original metes and bounds to assure that the reconstruction of breached areas are in the original alignment of the boundary wall.

3.2.2.1

**Cultural Resources
Identifications of Cultural Practices and Resources, Impacts and
Mitigation Measures**

Page 35

The draft EA suggests that Site 23151 was built in the 1900s. I disagree.

Two short years after acquiring Grant 1575, Atkins conveys his Kauleoli lands to my great-great-great-grandfather, Henry Clarke in 1857. The Ki'ilae-Kauleoli boundary wall was in existence during his 9 year residence there where the wall served a dual purpose for raising his cattle. A cultural-historical study done by Kumu Pono Associates confirms his ranching activities.

Documented by her baptismal church records, my maternal grandmother, Annie Man Sing Zen Hua/Weeks, was born in 1889 in Waiea, about 6 ahupua'a and 3 miles south of Ki'ilae. In 1902 she moved to Ki'ilae to live with her aunt and uncle, Pipi Kauinui/Kauninui and John Niau. At times she would also live with another uncle, Joseph Kaai, in Ki'ilae. This is where she met her first husband, Charles Hua, and they lived with his family, Ahu, Ka'ainoa, and Keohokii in Ki'ilae. The Ahu, Ka'ainoa, Kahikina, and Keohokii families leased lands in Ki'ilae from Peabody where they lived, farmed, died, and were buried.

My grandmother Annie and my aunty Lei Kaelemakule Collins told my father and I that John Ahu's burial (SIHP 23153) was "built into the wall", signifying that the wall was already in existence. John Ahu died in 1896.

4
Page 36

The draft EA identifies SIHP Site 23146 as the mauka/makai Ki'ilae Trail. Resource information found at the Kona Historical Society identifies this trail as the Ki'ilae-Keanapa'akai Trail. The 1928 USGS quadrangle map of the project area recognizes the trail as the Ki'ilae - Keanapa'akai Trail. The Keanapa'akai Trail is named in the Dictionary of Hawaiian Place Names found at the Hawaii State Archives and the Ki'ilae-Keanapa'akai Trail is also identified in the 1973 Atlas of Hawaii. A 2007 memorandum from Na Ala Hele to the Hawaii County Planning Dept. identifies the trail as the Ki'ilae-Keanapa'akai Trail.

I would like this trail to be also recognized, identified and referred to as the Ki'ilae-Keanapaakai Trail.

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3.2.2.1

Cultural Resources

Page 32

The draft EA reports that the developer has set aside an additional 100 acres of the Ki'ilae ahupua'a as a "donation parcel" for preservation purposes.

I commend the developer for making the commitment to preserve 100 acres of the Ki'ilae ahupua'a. At the December 2001 Hawaii Island Burial Council meeting, the developer recognized that this area contains a really good representation of the Kona agricultural field system, as well as other archaeological features, including historic burials.

At the developer's request, Kahu Nancietta Ha'alilio of Puka'ana Congregational Church was asked to host a community meeting whereby the developer could explain the project to the community. Kahu Nancietta agreed but limited the meeting to her congregation and officers of the community non-profit organization, KUPA, Kama'aina United To Protect The 'Aina, of which my wife serves as an officer and board director.

At the June 12, 2007 meeting, the developer said that they had not yet committed to any one particular entity to donate the preservation area to but they were considering donating the land to an existing community land trust with the goal of creating affordable housing. The developer mentioned that Jim Medeiros, Sr. and Jack Kelly of Protect Keopuka

‘Ohana wanted to take the lead on this but the developer said that they had no experience in doing this kind of project. Kahu Ha‘alilio was concerned about the organization receiving the donation parcel and requested that the developer consider KUPA, whose members included residents of the Ki‘ilae ahupua‘a and who are descendants of families who were born, raised, died, and buried there, to help in the management/disposition of the preservation area. The developer was receptive and agreeable to considering KUPA and further said that the 100 acres would end up with a community land trust with several organizations or boards to determine stewardship.

The developer should be commended for considering community viewpoints/participation on this matter and for keeping their options open in considering a local community non-profit group(s) to donate this historic area to. However, it needs to be clarified how the land is to be “preserved” if affordable housing is planned.

Appendix 1b
Comments in Response to Pre-Consultation

May 31, 2008 Correspondence from Geometrician Assn. to Clarence A. Medeiros, Jr.

I want to clarify your reference to the ownership title issue. At the County of Hawaii Board of Appeals BOA-04-013 & 014 hearing in 2005, Hearings Officer Sherry Broder said that the jurisdiction of the ownership of land lies in the Third Circuit Court. So the acceptance by the County Planning Dept. of Ki‘ilae LLC’s title insurance policy is a presumption of ownership only for the purpose of subdivision approval and permits. The fact remains that no quiet title action was done for the lands of Kauleoli that lie within the project area and the only judicial body that can determine ownership, whether exclusive or fractional, is the Third Circuit Court, not the County Planning Dept.

Summary of Clarence Medeiros Comments & Responses

7 I would also like to respond to your matrix of comments and responses to my early consultation in the development of the EA. I want to make it absolutely clear that certain comments in your summary did NOT originate from me. Comments No. 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 15, 25, 27 & 28 were comments that were made from Jim Medeiros, Sr. and/or Protect Keopuka 'Ohana in their Third Circuit court lawsuits and Board of

Appeal hearings in opposition to the Ki'ilae Estates LLC project. Portions of comments No. 6 & 23 are also comments in opposition to the project that were made by Jim Medeiros, Sr. and/or Keopuka 'Ohana. These comments were included in my pre-consultation response to show that others shared my concerns and/or had other major concerns with the project.

8 In response to No. 6 & 12, I notified SHPD on numerous occasions about these burials as far back as 2001. Notice of these burials was also in Melanie Chinen's March 30, 2005 letter. Unfortunately, no action was taken by SHPD to protect these burials. I have attached numerous church records that document burials in Ki'ilae and Kauleoli. To say that these burials have been unsubstantiated is a matter on interpretation. The Merriam-Webster dictionary defines the word substantiate as to establish by proof or competent evidence. To me, the burials are substantiated by the attached competent evidence in the form of church records (Exhibits E1 to E8). But for the developer, documentation and kama'aina testimony is not sufficient evidence of burials. Bones have to be excavated to prove their existence – kama'aina testimony and church records are not enough.

see 6 In response to No. 16 & 17, the fact still remains that a quiet title action was never done for the ahupua'a of Kauleoli which is within a portion of the project area and the Third Circuit Court is the judicial body, not the Hawaii County Planning Department, that has the jurisdiction to determine ownership, whether exclusive or fractional.

see 1 In response to No. 20, the U. S. Army Corps of Engineers have been conducting a flood study to update Flood Insurance Maps for South Kona and will have results from the study in November 2008 that may determine new drainage basins and changes in the current floodplains that may have occurred since 1977.

see 7 In response to No. 23, the comment about a tomb destruction was NOT made by me. That comment was made by Jim Medeiros, Sr. and found in his transcript of testimony given in his Board of Appeals testimony in October 2002.

9
In response to No. 30, the *inika* plant might not have been the scientifically correct name to identify the plant used in ancient times for tattooing, but the story handed down is the same. From my great-grandfather and great-great-grandfather down to my father and grandfather and from them down to me – the story is the same. Whether the modern name *inika* or the traditional name of '*ilie 'e* was used, the story is the same - that the cave was used by Hawaiian warriors to gather and make ink for tattooing practices.

My father and grandfather had cattle traps near the cave where the *inika* plant grew in abundance during the time when they were living and ranching in Kauleoli and Kealia. And that is how it came to be that our family called the cave the "*inika* cave" as a locational marker. The report says the '*ilie 'e* was found in Kauleoli and that supports the plants existence there in earlier times and supports the story of the Hawaiian warriors making ink for tattooing that was passed down by my family.

CIA and Summary of Archaeological Sites by Rechtman Consulting

Page 16

SEC 9
Mr. Rechtman's report states the claims of additional undiscovered burials exist within the development area, however, these claims have not been substantiated. I would like to clarify this statement. Attached are some of the numerous church records that document burials in Ki'ilae and Kauleoli. I have notified SHPD on numerous occasions about these burials as far back as 2001. Notice of burials was also noted in Melanie Chinen's March 30, 2005 letter. In March 2006, I contacted Ms. Chinen to follow-up on the status of the burial issue that was forwarded to the Burial Sites Program. In April 2007, the Hawaii Island Cultural Historian e-mailed Ms. Chinen about my concerns about identifying the specific locations of the Ki'ilae and Kauleoli burials to insure their protection (Exhibit F). He stated that the developer was working with the SHPD-Maui office on a grubbing/grading permit for the project. He further said that he had discussed with Ms. Chinen that the specific locations would need to be protected PRIOR to issuance of any permits. Unfortunately, to date no action was taken by SHPD to address these burials, permits were issued, I was not consulted, and burial sites were destroyed by heavy land clearing equipment.

sec 3
Mr. Rechtman further states that I pointed out a mound to contain a burial that was later hand excavated by SHPD personnel and a potential descendant was present who found no skeletal remains. The discrepancy I have with this statement is that the site that was excavated is NOT the burial I have made a claim to and a recognized lineal descendant to.

On June 7, 2007 I filed a burial registration form that clearly described the location and features of the burial site. The location and features were again detailed during my site visit to the project area on June 21, 2007 with Jennie Pickett, Asst. Maui Archaeologist, and Kaleo Paik, Cultural Specialist, of SHPD. In the process of locating the Pipi Niau burial site, Jennie Pickett points to a mound of stones she saw and asked me if that could be a burial site. I said that is was possible but it was NOT the site that I was a lineal descendant to and NOT the site I was looking for. Based on what was told and shown to me by my kupuna, the site I was looking for was under the subdivision road. Jennie Pickett's site visit report best describes the burial site as being "gone - gone - gone" (Exhibit G).

Documented by her baptismal church records, my maternal grandmother, Annie Man Sing Zen Hua/Weeks, was born in 1889 in Waiea, South Kona, about 6 ahupua'a and 3 miles south of Ki'ilae. In 1902 she moved to Ki'ilae to live with her aunt and uncle, Pipi Kauinui/Kauninui and John Niau. At times she would also live with another uncle, Joseph Kaai, in Ki'ilae. This is where she met her first husband, Charles Hua, and they lived with his family, Ahu and Keohokii, in Ki'ilae. The Ahu and Keohokii family, leased lands in Ki'ilae from Peabody where they lived, farmed, died, and were buried there.

Alfred Medeiros, Jr., a long-time employee of McCandless Ranch, confirmed in his 2001 oral interview for this project the Pipi Kauinui residence in Ki'ilae and the practice of the old kama'aina to bury family in the vicinity of their residence lots. He specifically remembers burials associated within the area where Pipi Kauinui lived, makai of Mamalahoa (Exhibit H).

Sec 9

In February 2008, Hawaii Island SHPD personnel contacted me to schedule a meeting. At this meeting I was told by the Hawaii Island archaeologist that she would make sure that she would contact me whenever they did any kind of excavation for burials, especially the burial sites that I filed claims to. I was never contacted or consulted, resulting in the excavation of the wrong site. Why a potential descendant was consulted instead of a recognized lineal descendant is a question that needs to be asked and answered. This action comes at the expense of a burial.

I suggest that that the draft EA also include Ms. Pickett's site visit report and her findings and recommendations from our site visit to the project site:

- **Need accepted Monitoring Plan clearly specifying details of inadvertent discoveries during monitoring; plan should be inclusive of both archaeological and cultural monitors;**
- **Need Addendum completed (Rechtman) to accepted AIS with Clarence's concerns included and possible amendment to existing BTP (or new BTP) to mention presence of the additional previously unknown burial sites;**
- **Need qualified Cultural Historian to process and work closely with archaeologists to resolve outstanding concerns;**
- **Need immediate involvement/enforcement of the preservation/restoration of SIHP 23151 (stated in SHPD letter); re-investigate survey utilizing original metes and bounds to be sure boundary wall is located in original location;**
- **Need verification of all established preservation buffer zones.**

Page 100

Sec 9

I'd like to provide a response to the reference made to the "*Inika* Cave." The *inika* plant might not have been the scientifically correct name to identify the plant used in ancient times for tattooing, but the story handed down is the same. From my great-grandfather and great-great-grandfather down to my father and grandfather and from them down to me – the story is the same. Whether the modern name *inika* or the traditional name of 'ilie'e was used, the story is the same - that the cave was used by Hawaiian warriors to gather and make ink for tattooing practices.

Mr. Ron Terry
August 2, 2008
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My father and grandfather had cattle traps near the cave where the *inika* plant grew in abundance during the time when they were living and ranching in Kauleoli. And that is how it came to be that our family called the cave the "*inika* cave" as a locational marker. The report says the '*ilie*'e was found in Kauleoli and that supports the plants existence there in earlier times and supports the story of the Hawaiian warriors making ink for tattooing that was passed down by my family.

Your favorable consideration to incorporate my comments and suggestions into the draft and Final EA is greatly appreciated.

Sincerely,



Clarence A. Medeiros, Jr.

Attachments

cc: Director, Office of Environmental Quality Control
Daryn Arai, Hawaii County Planning Dept.
Pua Aiu, State Historic Preservation Division

West Hawaii Today

Print Page

Aerial survey shows extensive damage, water flows outside natural channels

by Jim Quirk
West Hawaii Today
jquirk@westhawaii.com
Friday, November 30, 2007 9:19 AM HST

HILO — The aerial view between Puuloa and Kiilae in South Kona on Thursday revealed Wednesday's heavy rains in West Hawaii scoured soil from the land, South Kona Councilwoman Brenda Ford said.

Ford and Public Works Department officials toured flood-damaged areas via helicopter along Highway 11, as well as mauka and makai of the road, in an effort to determine the damage caused by heavy rain on Wednesday.

The most damage occurred in the portion of South Kona that lies in Hawaii County's sixth district, she said, adding that the farther south the helicopter flew, the more damage there was to see.

Ford said she noticed water flowing outside of natural channels where land had been clear cut for farms and new subdivisions and that it appeared a lot of water was flowing from "way mauka," above forest areas from pastures.

In some places, it appeared as though "ancient river beds have been exposed," meaning that areas where rivers flowed hundreds of years ago now had rivers again, she said.

In many places, it appeared dirt was peeled off the land surface exposing long-buried rock, Ford said, adding "the damages for some properties was extensive."

Rocks, ranging from fist-sized to eight inches in diameter, cluttered the driveways of some homes, she said.

"That size rubble is what the water was moving," Ford said.

In Ford's opinion, the county needs to improve drainage "mauka to makai."

"We need to make sure buildings are more elevated," she said. "We need better mapping (of Federal Emergency Management Agency flood hazard areas)."

Ford is certain Wednesday's flooding event has revealed other areas in West Hawaii that should be considered special flood hazard areas.

One-percent of the island is considered special flood hazard areas, and property owners in those areas are required to carry federal flood insurance.

"These new channels that opened up, they need to be mapped now," Ford said. "They have to be considered."

Ford, who is pushing for more stringent flood control regulations, said the county must not allow any building on or any filling in of water courses.

"Mother Nature put them (flood channels) there for a reason," she said. "Keep them open."

Public Works Director Bruce McClure reported there were seven flood damage reports filed with his department as of Thursday afternoon, but he was certain others that have not been reported.

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EXHIBIT

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[Print Page](#)

The Aftermath After the flood

Tracking the damage from Wednesday's heavy rains

by Bobby Command
 West Hawaii Today
 bcommand@westhawaii.com
 Friday, November 30, 2007 9:19 AM HST

"It was like a dam broke."

That's how the floodwaters looked when they enveloped David Batuyong's Honaunau home, forcing his family and another to flee at the height of Wednesday's storm.

The Batuyongs were among Kona residents still reeling from the effects of an upper-atmosphere disturbance that collided over Honaunau with Kona's normal afternoon convective activity.

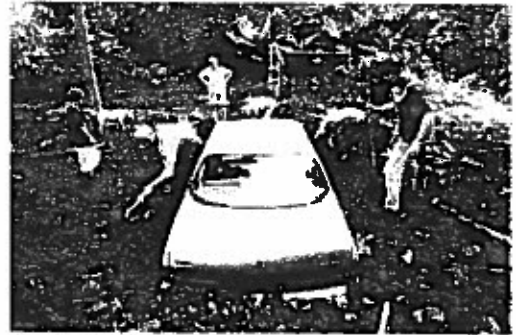
The National Weather Service said the two events combined to produce intense rains that at one point just before 2 p.m. hammered the Honaunau gauge with nearly an inch of rain in 15 minutes.

"That is a big event," said Kevin Kodama, lead hydrologist with the National Weather Service in Honolulu. "I'd say that's raining pretty hard."

Batuyong said it was only moments before waist-deep water was rushing through the house his wife, Valyn, and daughter, Daisy, shared with another family.

"I told everybody to grab anything important and get out," said Batuyong, who said the house is likely ruined. "The water was rising so fast. It's easy to replace possessions, but life you cannot replace."

Dark clouds dumped about six inches of rain in a five-hour period between Kealakekua and Kealia, caused numerous flash floods across Mamalahoa Highway, including two flows that blocked traffic just north of Honaunau School and at the Honaunau Post Office.



Family and friends on Thursday dig out a car that was partially buried by rocks and debris left by Wednesday's flash flood waters at the Turner home just south of the Honaunau junction. Photos by Michael Darden | West Hawaii Today



[Click Photo to Enlarge](#)

The Enos family dog, Jessie, looks on Thursday at a vehicle perched precariously along a gully cut by flash flood waters Wednesday.

At the Honaunau gauge, located about 100 yards away from the Batuyong house at the Department of Water Supply pump, rain fell at a rate of 1.86 inches an hour between 1 and 4 p.m. According to Kodama, the two-hour rainfall in the area between 1 and 3 p.m. exceeded the 100-year storm — that means there is a 1 percent chance of that much rain falling on that spot in a year.

On Filipino Dance Hall Road, two women, 77 and 58, had to be rescued from their home by helicopter. Pansy Medeiros and her daughter, Lorna Takizawa, were napping when the waters began rising, according to Medeiros' son, Clarence Medeiros Jr.

"All of the sudden water was all around, and they got scared so they called 911," Clarence Medeiros said. With water flowing around the house, the rescue helicopter was called in to rescue the women.

Unlike the Batuyongs, who are staying with relatives, Clarence Medeiros said the house can be salvaged. "But they don't have electricity, and that's

what we need to clean up."

In Kiilae, the South Kona Fruit Stand was severely damaged by flood waters along with several homes in the area.

The heavy rains — Kealakekua and Kainaliu gauges both topped four inches — were accompanied by an intense electrical storm that knocked out various utilities.

Numerous residences in the area mauka and makai of mile markers 103 and 108 of Mamalahoa Highway were also affected by the runoff, including

EXHIBIT

A2

homes on Bruner Road and Rabbit Hill Road in Honaunau and along Napoopoo Road and Middle Keel Road.

Joachim Oster of Rabbit Hill Road stood over a newly carved gully through his four-acre coffee farm. "This gulch is known as Wailapa – raging waters," said Oster, whose house escaped the flood, but who lost about 50 trees. "It's just gotten filled through the years, but it rushed down and created this in a matter of minutes."

Nearly everyone in mauka Kona was touched by the storm. A bolt of lightning struck the Water Department's Halekii well and caused a water outage to almost all customers in the area south of Bank of Hawaii in Kealahou. While partial service was restored by morning, pressure was weak, especially at higher elevations.

Water officials said the problems had been solved as of 1:45 p.m. However, customers were asked to conserve water and to expect low water pressure until local reservoirs had a chance to be recharged.

The lack of water pressure forced both Kona Hongwanji Preschool and Sonshine Preschool to cancel classes for the day. However, all South Kona public schools were in session, according to Art Souza, Department of Education complex superintendent.

About 7,700 people were affected by power outages when lightning hit distribution and transmission circuits at about 1:30 p.m. While a majority were affected for less than a minute, about 500 people experienced extended outages.

Hawaii Electric Light Co. crews worked through the night and were able to restore power to about 350 customers by Thursday morning. However, about 150 people remained without power by late morning. As of 5 p.m., about 75 people were still without power and crews were scheduled to work until the problems were solved.

Trouble with power and lightning strikes also knocked out cable television service on the south side of the island between South Kona and Hilo. Norman Santos, vice president of operations for Oceanic Time Warner Cable, said a switch that triggers a generator in a "hub" in South Kona failed, causing the loss of service.

"We tried to send someone out, but he called back and said the traffic was too wild," Santos said. "But with this type of equipment, we lose something in an incident like this, and we had crews trying to take care of some isolated pockets this morning."

While all public roads were open by Thursday morning, there was ample evidence of flash flooding across both Mamalahou Highway and Middle Keel Road.

"I've lived here for 20 years and I've never seen that much water come down before," said Joe Conti, who lives on Napoopoo Road near the area known as Ancient Trail Road.

"It was raining hard, but no big deal," he said. "Then my girlfriend hollered, and our front yard was getting flooded. I've got dirt up to my doorknob on my back door."

At Onouli, water that poured over a retaining wall near Konawaena Elementary School rushed into the front yard of Wilmer and Lilian Koshi. The water also poured into the Kynnersley Ditch, which has overflowed a number of times, threatening the Koshi residence.

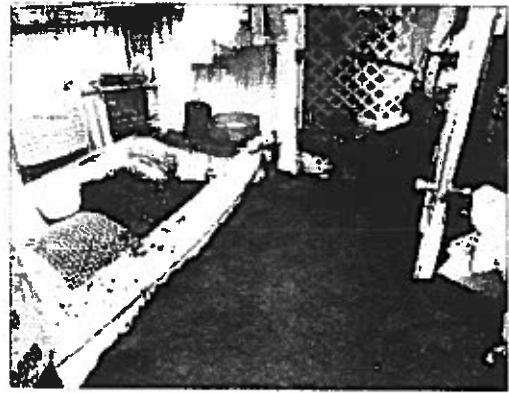
"The ditch ran with about seven inches of water," Lilian Koshi said. "But there was no debris in the ditch, and we were OK this time."

Duane Hosaka, Hawaii County Civil Defense officer, said there were numerous calls by people about washed out driveways. "We had a few calls about mud inside their homes," Hosaka said. "We're trying to put together a damage report, but we're still getting calls and it won't be available until tomorrow."

A flash flood watch remained in effect Thursday for the Big Island, but Kodama said the worst of the storm was over. However, he added that there was a chance rain would fall Thursday because of the lingering barometric trough.

"It should slowly stabilize over the weekend as the low moves away to the west," Kodama said.

Another weather front was moving in from the west, and heavy showers were possible on Sunday. "But it won't be as intense as what we saw Wednesday," he said.



Click Photo to Enlarge

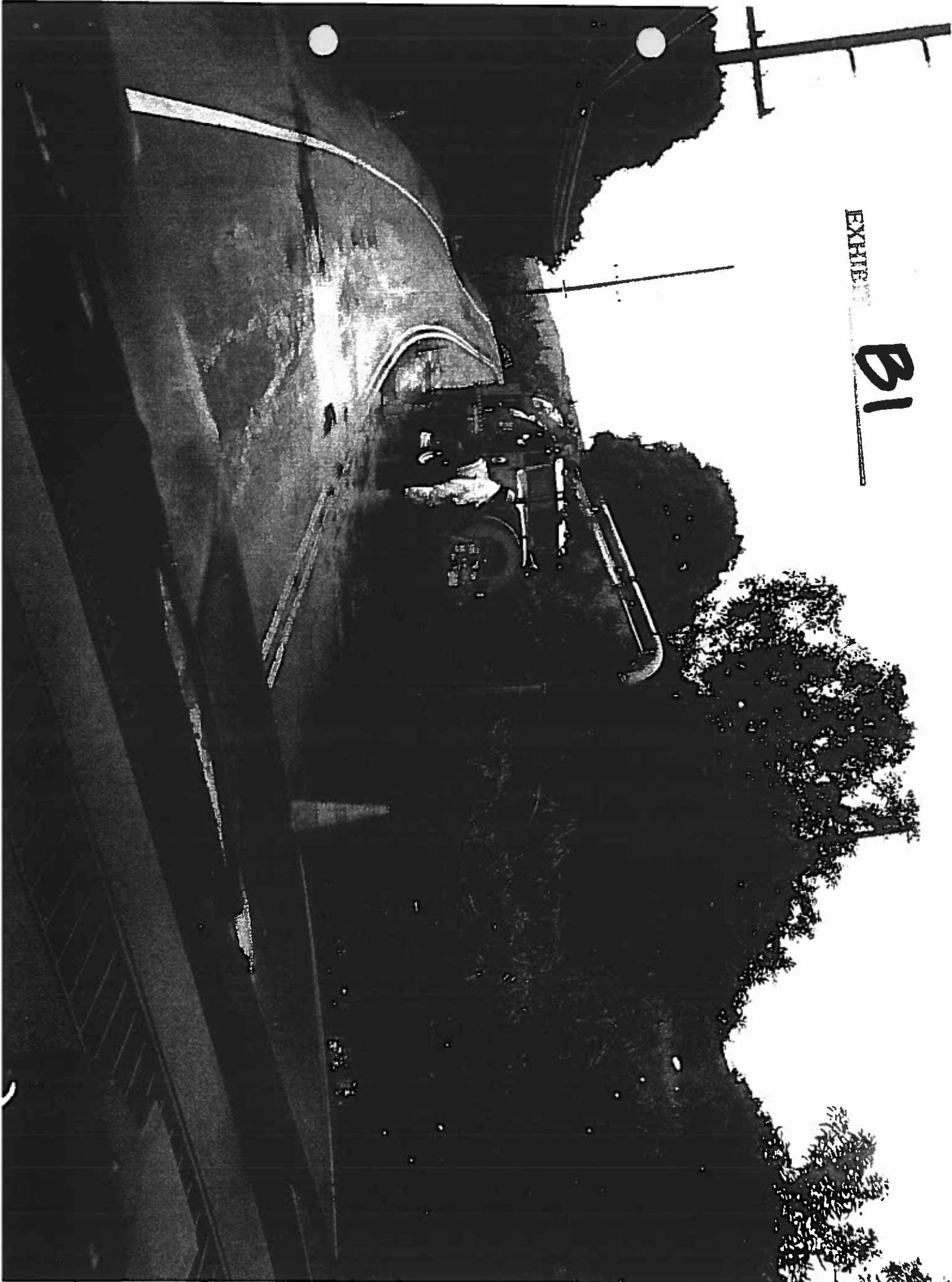
Flash flood waters left nearly 2 feet of soil in the bathroom of the Batuyong family home. - Michael Darden | West Hawaii Today



Click Photo to Enlarge

The Enos family dog, Jessie, stands upon what's left of the family's concrete driveway, among boulders, debris and a damaged vehicle Thursday just south of the Honaunau junction. - Photos By Michael Darden | West Hawaii Today

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EXHIBIT

B1

EXHIBIT

B2





28 July 2008

INFORMATION PAPER

SUBJECT: South Kona District Flood Hazard Study, Kona, Hawaii

1. Purpose: To provide information on the subject project.
2. Points of Major Interest and Facts.
 - a. The South Kona District Flood Hazard Study project is being conducted under the Flood Plain Management Services Program, Section 206 of the Flood Control Act of 1960, as amended, in cooperation with the County of Hawaii, Department of Public Works.
 - b. The South Kona District on the island of Hawaii is currently undergoing an increase in residential development. These areas currently do not have adequate flood hazard maps or older flood insurance maps developed from calculations done in 1977. Without up-to-date adequate technical flood hazard maps, the county will be in a tenuous position of considering future developments and land use planning. If improvements are constructed in the future, the risk for flood damages may be high. The flood problems of the South Kona District are not readily evident due to the lack of well defined stream channels. The island of Hawaii is the newest island of the main Hawaiian Islands and the Kona or leeward side of the island experiences limited rainfall due to the topography and elevation of the islands volcanoes. Most of the rainfall precipitates out over the windward or northeast side of the island leaving the Kona side relatively dry resulting in undefined streams. However, during intense southerly storms, significant flooding has occurred along the Kona or western side of the island.
 - c. The objective of this study is to provide up-to-date hydrologic (flow magnitudes) and hydraulic (flood plain depth and extent) calculations to identify the 10-, 25-, 50-, 100-, and 500-year flood plains and 100-yr floodway, within the floodplain study area of the South Kona District. The County of Hawaii intends to use the results of the study to amend the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps.
 - d. This study is being conducted in two phases. The first phase has collected topographic data and will compute regional or site specific flood flow data and create flood hazard maps for 7 watercourses, including Kiilae Stream. For this phase, topographic quality assured data was completed in June 2008. The remaining phase one work is scheduled to be completed in November 2008. The second phase will build upon the first phase by creating flood hazard maps for 17 additional watercourses. A contract for phase 2 is scheduled to be awarded by September 2008.

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
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KAPOLEI, HAWAII 96707

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

March 30, 2005

Robert Rechtman, Ph.D.
Rechtman Consulting
HC1, Box 4149
Keaau, Hawaii 96749

LOG NO: 2005.0532
DOC NO: 0503MM15

Dear Dr. Rechtman:

SUBJECT: Chapter 6E-42 Historic Preservation Review, "Archaeological Preservation Plan for Eleven Sites in the Ki'ilae Farms Subdivision" (Revised November 2004) Ahupuaa of Ki'ilae and Kauleoli, South Kona District, Hawai'i Island TMK (3) 8-5-005:019, 022, 026, 027

Thank you for your cover letter dated December 7, 2004 and a copy of the above mentioned revised plan (RC-0138) for our review. Your request, on behalf of Mr. Steve Jiran, Ki'ilae Estates LLC, was received on December 10, 2004.

As with the first and second drafts of this plan (Rechtman, March 2004, June 2004), the revised plan is based on preservation recommendations in the approved Inventory Survey for 480 acres that includes both Ki'ilae and Kauleoli ahupua'a ("Archaeological Inventory Survey of the Ki'ilae Estates Development Area" -Rechtman et al. 2002). Eleven non-burial sites were selected for preservation within Kauleoli ahupuaa as the majority of Ki'ilae ahupuaa was set aside for eventual acquisition by the National Park Service. Burial sites are treated in a separate Burial Treatment Plan (Rechtman 2003).

The current revised plan responds to our review comments on the second draft dated October 15, 2004 (Log No. 2004.3070, Doc. No. 0410MM11). Our review addressed three main areas of concern: 1) Adjustments to proposed buffers, 2) Adequacy of consultation for Site 23193 as required under Chapter 13-277-3, and 3) Our request that you add Site 23151, the boundary wall between Kauleoli and Ki'ilae, to the list of preserved non-burial sites.

We specifically asked for adjustments to the proposed buffers for Sites 23165, 23186, 23194, 23188, 23189, 23192, 23193, 23195, 23196 and 23197. All the buffers have been increased per our request. We also asked you to provide the names of the persons who responded during the consultations for the plan. You have included the names Clarence Medeiros Jr. and Kalikolehua Paiva, summarized their comments as being related to land ownership and burials, and forwarded their comments to our Burial Sites Program as we requested.

Regarding Site 23151, the boundary wall between Ki'ilae and Kauleoli ahupua'a, you have added this site to the list of preserved sites, excluding the 550 meter portion of the site located mauka of the planned subdivision roadway, and added provisions for a twenty foot buffer where no land alteration or building will be permitted along the preserved length of the wall. No specific proposals are set forth for stabilization or re-construction of existing breaches or those that may need to be proposed in the future.

EXHIBIT

D

Robert Rechtman, Ph.D.
Page 2

We believe Site 23151 should be preserved in its entirety, to include the portion extending *mauka* of the planned subdivision road. We have carefully re-considered your arguments against this as stated in your June 22, 2004 letter that you submitted with the second draft of this report. However, despite your argument that the 550 meter in question runs through the subdivision lots, and does not follow lot boundaries, we feel that the generous lot sizes as proposed (5 acres) provides ample room for both preservation of the site and use of the parcel.

Regarding stabilization of existing breaches or portions of the wall that may be in unstable condition, we believe you should address stabilization actions as a part of this plan. We believe two provisions should be made: 1) For the *makai* portion of the wall that is shared with the adjacent National Park Service acquisition area, no stabilization actions should be proposed at this time. Consultation and coordination with the NPS should be undertaken in the future with the landowner(s) to assure that any stabilization or reconstruction measures are not in conflict with Park Service policies for the portion of the site lying within their property.

For the portion preserved *mauka* of the NPS acquisition area and the subdivision road, any existing breaches should be stabilized under the direct supervision of a qualified archaeologist and be restricted to either dry-stack construction style or a methodology that results in the appearance of dry-stack masonry. The work procedure shall be documented and our division notified in writing of the action as a means of confirming the implementation of this plan. Should additional breaches be necessary, our division should be contacted for approval and the above-mentioned conditions fulfilled. Future lot owners should be notified of their obligations and options under this plan once approved.

Finally, preservation of Site 23151 in its entirety is also an appropriate response to concerns expressed to our division about this site by Mr. Clarence Medeiros (letter dated June 12, 2004 to MaryAnne Maigret) and about walls in general by Kalkolehua Paiva (letter dated June 11, 2004 to Mr. Martin Quill and copied to Dr. Patrick McCoy). Mr. Medeiros strongly stated his desire that Site 23151 be preserved. We have considered these views in good faith and believe that preservation of the site is an appropriate response. Additional concerns were expressed by both parties regarding undocumented burials within the project area, and these have been referred to our Burial Sites Program.

Please submit these revisions for final approval. We thank your clients for their cooperation throughout the historic preservation review process and for the continued assistance in resolving these outstanding issues.

If you have any questions regarding this review please feel free to contact MaryAnne Maigret in our Hawaii Island Office (329-3690).

Aloha,


MELANIE A. CHINEN, Administrator
State Historic Preservation Division

MM:jen

c: Christopher Yuen, Hawaii County Planning Department
Kai Emler, County of Hawaii Department of Public Works
Keola Lindsey, SHPD Burial Sites Program
Chair, Hawaii Island Burial Council
Caroline Bell, Director, Hanalei National Historical Park

HUSBAND'S Name (in full) KAUOA, KAPEORA KAUOA, KIPEORA
 HUSBAND'S Name (in full) KAUOA, KIPEORA
 TEMPLE ORDINANCE DATA
 HUSBAND: Baptized 8 MAY, 1922
 Endowed 24 JANUARY, 1941
 Hei'e 141 paakama'i on Ma'opoo
 Relationship of Heir Gd. - KAPEORA
 WIFE: Baptized 8 MAY, 1922
 Endowed 12 MAY, 1922
 Sealed to Husband
 Hei'e 141 paakama'i on Ma'opoo
 Relationship of Heir Gd. - KAPEORA

Where was information shown on this family record obtained?
 FAMILY RECORD
 Name and address of person submitting this sheet:
KELIPEAKAUA, JOSEPH I. SR.
P.O. BOX 227
HONOLULU, HON., HAWAII
STATE HAWAIIAN MISSION
Ward - IEEI, BRANCH

HUSBAND (2nd husband)
 Birth ABOUT 1806 Place KOHAHA, HAWAII
 Chr.
 Death ABOUT 1897 Place KILAE, KOHA, HAWAII
 Burial Place
 Father KANOA Mother (Maiden Name) NOT KNOWN
 Mar. DATE NOT KNOWN Place
 Other wives (if any) NO

WIFE KAPEORA, KAPEORA (p. 22)
 Birth ABOUT 1811 Place KAUOLELI, KOHA, HAWAII
 Chr. Place
 Death ABOUT 1895 Place KILAE,
 Burial Place
 Father MAAKAHUUI, NAHE Mother (Maiden Name) KUMALU-NAHE
 Other wives (if any) NO (see (1) Kapeora Kapeora)

No. or Page	CHILDREN (Give names in full in order of birth)	WHEN BORN		WHERE BORN		SICILY or County	DIED	MARRIED	BAPTIZED	ENDOWED	TC
		Day	Mo.	Yr.	Town							County	Day	Mo.	Yr.
F 1	ROSE KAHU KANOA	ABOUT	1876	KILAE, KOHA, HAWAII	T.H.	1 APRIL, 1947	Date NOT KNOWN To XUPA, KEISEKOLIO				
F 2	KANAKA	.....	1879	.....	.....	59 yrs.	Date NOT KNOWN				
M 3	WILLIAM KANE KANOA	.....	1883	.....	.....	ABOUT 1922	To Makenzie, Deborah				
4							Date To				
5							Date To				
6							Date To				
7							Date To				
8							Date To				
9							Date To				
10							Date To				
11							Date To				
12							Date To				
13							Date To				
14							Date To				

Place Additional Genealogical and Historical Data on Reverse Side

EXHIBIT EL

NAME (in Full) KIEHL, KAUIHI

TEMPLE ORDINANCE DATA

HUSBAND:

Baptized 8, MAY, 1922
 Endowed 23, JANUARY, 1941
 Helelii paalua, Joe Kapookuna
 Relationship of Heir: GD, SE, PHEM

WIFE:

Baptized 8, MAY, 1922
 Endowed 12, MAY, 1922
 Sealed to Husband
 Helelii paalua, Joe Kapookuna
 Relationship of Heir: GD, SE, PHEM

NAME (in Full) KIEHL, KAUIHI
 FAMILY RECORD
 Name and address of person submitting this sheet:
 KEIITRAKAKAUA, JOSEPH K., SR.,
 P.O. BOX 227
 HIKAKAI, KONA, HAWAII
 SHEP HAWAIIAN MISSION
 WIFE: KEI, BRANDH

Chr. Death ABOUT 1880 Place KAILUA, KONA, HAWAII
 Burial KAILUA, KONA, HAWAII
 Father KIEHL
 Mar. DATE NOT KNOWN Mother (Maiden Name) NOT KNOWN
 Other Wives (if any)
 WIFE NAHE, MAIHE (sic 22)
 Birth ABOUT 1811 Place KAIHEOLI, KONA, HAWAII
 Chr. Death ABOUT 1895 Place KAILUA, KONA, HAWAII
 Burial YAKAHULT, NAHE / MANUKU
 Father YAKAHULT, NAHE / MANUKU
 Mar. (if any) YES, second marriage, and had three children (see on other sheet)

Male or Female	CHILDREN (Give names in full in order of birth)	WHEN BORN			WHERE BORN			DIED	MARRIED	BAPTIZED	ENDOWED	SE TO
		Day	Mo.	Yr.	Town	County	State or Country						Day	Mo.	Yr.
M	1 KAUIHI	ABOUT	1856		KAIHEOLI,	KONA,	HAWAII	T.H.	14/7/97	8, MAY, 1922	16, MAY, 1922	
F	2 MAIHE		1859					5/3/95		8, MAY, 1922	16, MAY, 1922	
	3											
	4											
	5											
	6											
	7											
	8											
	9											
	10											
	11											
	12											
	13											
	14											
	15											

Copyright 1911, Isaac Phillips Smith, Church Executive, Printed in U. S. A. Entries which shall be the effect of the list for election on 1917 to front of same.

Place Additional Genealogical and Historical Data on Reverse Side

E2

EXHIBIT

Where was information shown on this family record obtained?
 Name (in full) KUPA, KELIIPAKAUA
 TEMPLE ORDINANCE DATA

HUSBAND:
 Baptized DATE NOT KNOWN
 Endowed 26, AUG, 1940
 Heir 14 years, son, to poolmalilae
 Relationship of Heir SON

WIFE:
 Baptized DATE NOT KNOWN
 Endowed 26, AUG, 1940
 Sealed to Husband 26, AUG, 1940
 Heir 14 years, son, to poolmalilae
 Relationship of Heir SON

HUSBAND KUPA, KELIIPAKAUA
 Birth 15, DECEMBER, 1869
 Chr.
 Death 8, MAY, 1912
 Burial 9, MAY, 1912
 Father KAHURUHIKI, KUPA
 Mother DATE NOT KNOWN
 Other Wives NO

WIFE MANIHI, LOIHA KAHURUHIKI
 Birth 4, JANUARY, 1873
 Chr.
 Death 13, JUNE, 1935
 Burial 14, JUNE, 1935
 Father MAIHE, MANIHI
 Mother KAFOHA, KAHELA
 Other Husb. NO

No. of Child	Sex	CHILDREN (Give names in full in order of birth)	WHEN BORN		WHERE BORN		State or Country	DIED Day Mo. Yr.	MARRIED Date To	BAPTIZED	ENDOWED	SEALED TO PARTNER
			Day	Mo.	Yr.	Town							County
1	M	JOSEPH BEFOOHUNAIAOULI	16	MAY	1893	KEOHEA, KOHA, HAWAII	T.H.		11, APRIL, 1918 To MARY KAMAHIKARUHEWA	18, JUNE 1904	23, AUG, 1940	26, AUG, 1940
2	M	KALANITANI	25	DEC	1898	KEOHEA, KOHA, HAWAII						26, AUG, 1940
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												

Place Additional Genealogical and Historical Data on Reverse Side

EXHIBIT
 E3

HUSBAND KAALOA Name (to Fee) KAALOA

Where was information shown on this family record obtained?
FAMILY RECORD

HUSBAND'S Name (to Fee) KAALOA

TEMPLE ORDINANCE DATA

HUSBAND:
 Baptized _____
 Endowed _____
 Relationship of Heir NEPHEW

WIFE:
 Baptized 8. MAY, 1922
 Endowed 12. MAY, 1922
 Sealed to Husband _____
 Relationship of Heir NEPHEW

Wife: MANUNI, KAWAKA (1924)
 Birth 4. JUNE, 1865
 Chr. _____
 Death ABOUT 1895
 Burial _____
 Father NAIHE, MANUNI
 Other (us. if any) NO

Where was information shown on this family record obtained?
FAMILY RECORD

Name and address of person submitting this sheet:
VELIPAAKAAUA, JOSEPH K. SR., P.O. BOX 227, HONOLULU, OAHU, HAWAII
SIGES HAWAIIAN MISSION, WONG KEEL, BRIDGE

No. or Serial	CHILDREN (Give names in full in order of birth)	WHEN BORN			WHERE BORN		DIED			MARRIED	BAPTIZED	ENDOWED	LED TO
		Day	Mo.	Yr.	Town	County	State or Country	Day	Mo.					Yr.
1	<u>MAIHEA</u>	<u>ABOUT</u>	<u>1883</u>		<u>KEOHEA, KONA, HAWAII</u>	<u>T. H.</u>	<u>ABOUT</u>	<u>1884</u>		<u>Child - 1 yr.</u>			
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													

Place Additional Genealogical and Historical Data on Reverse Side

EXHIBIT **E4**



CERTIFICATE OF DEATH

South Kona DISTRICT Hawaii Deaths
BOOK 1896 - 1900

Hawaii COUNTY PAGE NO. South Kona 115

Name JOHN AHU

Date of Death September 11, 1896 Sex Male Age 66

Marital Status ---

Race or Nationality Hawaiian

Residence Kiilae

Place of Birth --- Place of Death Kiilae

Cause of Death Bronchitis

Duration of Illness --- Years --- Months --- Days Resident or Non-Resident ---

Attending Physician No One

Cemetery or Place of Burial Kiilae

Date Recorded November 17, 1896 C. B. Reynolds

LOCAL REGISTRAR

MAY 3 2005

I CERTIFY THIS IS A TRUE COPY OR
ABSTRACT OF THE RECORD ON FILE IN
THE HAWAII STATE DEPARTMENT OF HEALTH

Alvin T. Onaka, Ph.D.
STATE REGISTRAR

EXHIBIT

E6

STANDARD CERTIFICATE OF DEATH
TERRITORY OF HAWAII

1108

1. PLACE OF DEATH Local Registered No. _____
(to be inserted by Registrar)
 County Hawaii State T. H.
 Township South Kona or Village Kihei
 City _____ No. _____ St. _____ Ward _____
 Length of residence in city or town where death occurred Life yrs. _____ mos. _____ ds. How long in U. S. if of foreign birth? yrs. _____ mos. _____ ds.
 2. FULL NAME Mrs. Makaoloha Kahikina
 (a) Residence: No. Kihei St. _____ Ward _____
(Usual place of residence) (If apartment give city or town and State)

ALTERED #21.
 MAR 30 2005
 by admin. order
 dated 3-6-1995.

PERSONAL AND STATISTICAL PARTICULARS

3. SEX <u>Female</u>	4. COLOR OR RACE <u>Hawaiian</u>	5. SINGLE, MARRIED, WIDOWED, OR DIVORCED <u>Widowed</u>
6a. If married, widowed, or divorced, <u>William Kahikina</u> <small>(Name of husband or wife)</small>		
6. DATE OF BIRTH (month, day and year) <u>Unknown</u>		
7. AGE	Years <u>72</u>	Months _____ Days _____
8. Trade, profession, or particular kind of work done, as engineer, Sawyer, bookkeeper, etc. <u>Home work</u>		11. Total time (years) spent in this occupation _____
9. Industry or business in which work was done, as silk mill, saw mill, bank, etc. <u>at home</u>		
10. Date deceased last worked at this occupation (month and year) _____		
12. BIRTHPLACE (city or town) (State or country) <u>Hawaii Kihei T. H.</u>		
13. NAME <u>Unknown</u>		
14. BIRTHPLACE (city or town) (State or country) <u>Hawaii</u>		
15. MAIDEN NAME <u>Kekapa</u>		
16. BIRTHPLACE (city or town) (State or country) <u>Hawaii</u>		
17. INFORMANT <u>Kehua Kahikina</u> <small>(Address)</small> <u>Kihei</u>		
18. BURIAL, CREMATION, OR REMOVAL Date <u>Sept 11 1932</u> <small>(Specify date)</small> Place <u>Kihei</u>		
19. UNDERTAKER <u>Samuel Kahikina</u> <small>(Address)</small> <u>Kihei</u>		
20. DATE RECORDED (or Registered) <u>Sept 11 1932</u>		
DATE FILED Office of Registrar General <u>OCT - 3 1932</u> Registrar _____		

MEDICAL CERTIFICATE OF DEATH

21. DATE OF DEATH (month, day, and year) Sept 10 1932

I HEREBY CERTIFY, That I attended deceased from _____
Sanitigalawa Beach _____

I last saw him alive on _____ death is said to have occurred on the date stated above, at 2:30 p m.

The principal cause of death and related causes of importance in order of onset were as follows:
Chronic Myocarditis
Cerebral Haemorrhage

Contributory causes of importance not related to principal cause: _____

Name of operation _____ Date of _____
 What test confirmed diagnosis? _____ Was there an autopsy? _____

23. If death was due to external causes (violence) fill in also the following:
 Accident, suicide, or homicide? _____ Date of Injury _____
 Where did injury occur? _____ (Specify city or town, county and State)
 Specify whether injury occurred in industry, in home, or in public place.
 Manner of injury _____
 Nature of injury _____

24. Was disease or injury in any way related to occupation of deceased? _____
 If so, specify _____
 (Signed) J. S. Johnson M.D.
 (Address) Kihei

Instructions on back of certificate.

MAR 30 2005

I CERTIFY THIS IS A TRUE COPY OR
 ABSTRACT OF THE RECORD ON FILE IN
 THE HAWAII STATE DEPARTMENT OF HEALTH
Alvin T. Onaka, Ph.D.
 STATE REGISTRAR

EXHIBIT

E7

10-2-2007 copy of 1000
 SPECIAL INFORMATION should be
 given in every instance.

Convention of the
 The above stated personal particulars are true to the best
 of my knowledge and belief.
 (Informant)
 Address
 Entered
 Filed

Former or
 How long at
 place of death
 Where was disease contracted,
 if not at place of death
 Place of death
 Date of death
 Undertaker
 Address

Write plainly, with spelling. This is a permanent record.
 Every item of information should be carefully supplied. AGE should be stated EXACTLY. The
 CAUSE OF DEATH in plain terms, that it may be properly classified. The
 "Special Information" for persons dying away from home should be given in every instance.

TERRITORY OF HAWAII
 RECORDS OF DEATH

Place of Death
 County of Hawaii
 Township of Kaunoi
 Village of
 or
 City of

If death occurred in a hospital or
 institution, give its NAME, location of
 street and number.
 FULL NAME Dr. Betty Kariwase

Personal and Statistical Particulars
 Sex Female Race Hawaiian
 Date of birth October 26th 1894
 (Month) (Day) (Year)
 Age 44 years 2 months 19 days
 Single, Married,
 Widowed or Divorced Married
 Birthplace
 (State or Country) T. H.
 Name of Father Milikai
 Birthplace of Father
 (State or Country) T. H.
 Maiden Name of Mother Kaunoi
 Birthplace of Mother
 (State or Country) T. H.
 Occupation of Deceased
 The above stated personal particulars are true to the best
 of my knowledge and belief.
 (Informant)
 Address
 Entered
 Filed

Medical Certificate of Death
 Date of Death
January 14th 1944
 (Month) (Day) (Year)
 I HEREBY CERTIFY that I attended deceased from
 and that death occurred on the date above stated, at
 M. The cause of death was as follows:
Chronic
Obstructive
 Duration 1 year 1 month 1 day
 Contributory Obstructive
 (SIGNED) H. H. Ross M. D.
14th 1944 (Address) Kaunoi
 SPECIAL INFORMATION only for Hospitals, Institutions,
 Tourists, or Recent Residents.
 Former or
 How long at
 place of death
 Where was disease contracted,
 if not at place of death
 Place of death
 Date of death
 Undertaker
 Address

Filed Feb - 3 1944
 Secretary, Board of Health

EXHIBIT **E8**

From : <Benjamin.K.Lindsey@hawaii.gov> | Inbox
Sent : Wednesday, April 25, 2007 7:44 PM
To : Nellie88@hotmail.com
Subject : Fw: Clarence Medeiros descendency claims

Access De

Your reque

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Personnel

For assistan

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Client-IP: 192.168.1.1

Category: Advertisements;Product PG

Browser: Mozilla/4.0 (c

To Melanie.Chinen@hawaii.gov

cc

bcc

Subject Clarence Medeiros descendency claims

04/25/2007 09:41 AM

Aloha Melanie: I wanted to let you know that I have returned several of Clarence Medeiros' pending descendency claims to him prior to my depature from the SHPD. Mr. Medeiros had submitted them to me for review, but I was never able to complete the review. I understand Mr. Medeiros will be resubmitting these claims to the SHPD and I wanted to give you a little background on each. Mr. Medeiros' children and grandchildren are also included in the claims.

- 1.
2. Kilauea, CMI Development. This is the case we have discussed previously. Mr. Medeiros has submitted a burial registration for 80+ undocumented burials within the project area and has filed a lineal descendency claim to these burials. There were concerns about identifying the specific locations of these burials in order to provide protection. I understand the developer has been working with the SHPD-Maui office on a grading/grubbing permit for the project but as we have discussed the specific locations of the burials would need to be protected prior to issuance of any permits.
- Mr. Medeiros was previously recognized as a lineal descendant to certain burials within the project area and has submitted a lineal claim for his children and grandchildren to be recognized through his claim.
- 3.
- 4.
- 5.
- 6.

As I have mentioned, I am available to whomever takes over these cases to provide additional details.

Mahalo, Keola



EXHIBIT

F

Get the latest updates from MSN

MSN Home | My MSN | Hotmail | Search | Shopping | Money | People & Chat

Nellie Medeiros

From: Jenny.L.Pickett@hawaii.gov
Sent: Tuesday, May 27, 2008 10:48 AM
To: Nancy.A.McMahon@hawaii.gov
Cc: Linda.K.Paik@hawaii.gov; nelliem@hicommmfcu.com; Theresa.K.Donham@hawaii.gov; Hinano.R.Rodrigues@hawaii.gov; Wendy.K.Machado@hawaii.gov
Subject: JP Kiilae Field Notes (June 2007)
Attachments: Kiilae.doc

<p>Nancy A McMahon/DLNR/StateHiUS</p> <p>04/24/2008 11:29 AM</p>	<p>To Hinano R Rodrigues/DLNR/StateHiUS@StateHiUS, Jenny L Pickett/DLNR/StateHiUS@StateHiUS</p> <p>cc Wendy K Machado/DLNR/StateHiUS@StateHiUS</p> <p>bcc</p> <p>Subject Clarence Medieros</p>
--	--

Aloha,

My sincerest apologies in the delay- Per your request: Attached you will find a copy of my Field Notes (typed from my hand-written notes) regarding the Site Visit to Ki'ilae by Kaleo and me in June 2007.

Should there be any questions or concerns-- please do not hesitate to contact me at 243-4641.

Mahalo,

Jenny

Hinano

Do you have any lineal claim records for Clarence Medieros from the Big Island. He seem to believe his documentation was sent to Maui. If so, can you send it back to Kapolei.

Jenny

Clarence Medieors said in June 2007 you visited Kiilae Farms and conducted a site visit. Mr. Medieros said you were going to write a field inspection report. He wanted to know if you did which he would like to get a copy of this report. I am not aware of this so can you update me on this.

Nancy McMahon
Acting Archaeology Branch Chief and Kauai Archaeologist
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707 Kauai Office
Ph: (808) 692-8015 (808) 241-3690
Fax: (808) 692-8020 (808) 241-3691
Cell: (808) 652-1510
nancy.a.mcmahon@hawaii.gov

EXHIBIT **G**

21 June 2007

Site Visit Ki'ilae Estates:

Pickett's Field Notes:

Arrive on the Big Island early morning- meet Kaleo and we drive to c. 400 acre proposed subdivision—Me & Kaleo meet Clarence etc. (Pete Anderson, Bob Rechtman, Marty Quill, Liz Hauanio and Darrel Grace) at Ki'ilae Estates project area. Several prior SHPD staff previously involved in the project- [We were to inspect roadway corridor area and address Clarence Medeiros's outstanding concerns]. The proposed subject roadway earthwork was complete and the road already set to final grade. Appears to be both County/State infractions because completed roadwork grubbing/grading corridor was much larger than clearly specified- MK review letter for roadway corridor indicates the width of disturbance for the road was 60 feet. [Road MUCH wider than 60 feet and no archaeological/cultural monitoring occurred-(full-time monitoring was slated to occur- according to Rechtman's "accepted mitigation" plan, which I've never seen)]. We discovered there was not an accepted *monitoring plan* because to my knowledge re: the project, SHPD had never formally recommended (NO doubt that monitoring is imperative in this subject area- especially near known human burial areas).

*Protocol & History & Summary w/Kaleo and Clarence... Clarence and Kaleo both extremely knowledgeable about the area ...Clarence's Grandmother *noho* since c. 1902...his family lived on the property in the current Ki'ilae subject area for many years- Pipi Niau, (*keiki* of John Niau-- family burial, Joseph Ka'ai *pa hale* (*tutuhine* Ana Puhalahua buried along the wall approximately 800 feet *makai* from government highway... {4 existing lineal burial claims})

Outstanding Concerns of Clarence:

- 1) Recorded Site (large lava tube w/several generations) orange fencing present
- 2) National Park Service Property (Crypt?) Puoa
- 3) Hale O Pipi Niau Kauninui
- 4) Station 70/71 Known Human Burial

5) Roadway intersection – human burials under current newly graded road (?disturbed/displaced? and/or unmarked- *iwi kupuna* not located?)

Rechtman states 3 of the 5 areas have been documented and slated for permanent preservation in the accepted preservation plan- we investigate the other 2 areas (60' permit already grubbed/graded in 2003 the recent action was re-graded & wider area)

Site Inspections of the following:

*SIHP -23140: a series of very well constructed large rock mounds. Many of them had already been completely bulldozed from the road corridor work (not monitored). Near permanent Feature (Fe) #305 (or in close proximity) note: wall is Fe #306. Rechtman says data recovery on mounds in surrounding area. No testing at Fe 305. "30 or 40 mounds tested in the whole project area" Pipi Ni'au- Next to property corner lots 1/49 (Sta 7 plus 00) T # 309
"Gone...gone...gone..."

*SIHP -23152 near Kiilae Lot 4: Mound (Ana Puhalahua?) inclusive of earlier project called M-3; located at Property Corner Lots 45/46..Intersection of new road and old dirt road bulldozed in 1999/2000...North Rd *Ahupua'a*/boundary Wall (preserved) running adjacent- Charlie remembers the burial being here... Rechtman says 4 surface Features recorded here but no longer present- (Criteria D NFW) Burial could still remain (subsurface) somewhere and/or possibly have been spread by previous bulldozing activities (1999, 2003 and 2007): Clarence states that 1 of the mounds was his *'ohana* and the other 2 belong to Ka'aimikana (AKA Ka'ai) family-- Bob states Data Recovery was conducted on 3 mounds (?). In 2004 Clarence was recognized as lineal descendent to a burial within this Site (Ka'ainoa)...Pipi Naau burial is a new claim just now being brought to light-- in the same area (needs recognition asap)- the claim was not included in 2004 because it was mother's *'ohana* and Clarence's brother was handling her affairs at the time.

*SIHP -23200: (Lot 39 Kaleo points out traditional *hale* site & STA 33 as well) Intersection Rd-D observe orange fencing erected "50 feet from underground cave" (BR) Walked along old Ranch Rd. Features identified at every step- Obviously a very heavily utilized area from pre-Contact through historic times.

*SIHP -23180-125: Burial identified during Data Recovery: we asked why no buffer "orange fencing will be erected today" (BR & LH) 50-foot interim buffer 25-foot permanent buffer is established protocol- why no buffer??? Access was not granted/we were not taken to the site. Conversation change to: following BTP accepted by SHPD- all known caves w/human remains were sealed. Rechtman et al. did not continue the site inspection when questioned about accurate buffer zones with respect to the erection of orange construction fencing. Based on mere observations; visual buffers do not appear to be in place at all sites slated for preservation- (need to conduct inspection w/pres plan info in order to determine if buffers are adequate/correct and in place). New Big Island staff will be hired soon...

*Iwi kupuna inside boundary/ahupua`a wall (SIHP 23151) wall slated for permanent preservation (Chinen letter) wall is breeched in several locations. Large section appears to have been impacted by recent road construction. Clarence request to investigate area w/iwi; which was declined because they say it's not part of the current project...etc.

*Discuss SIHP -23153: Mausoleum build in 1896 (one of Clarence's concerns) located near lower boundary along designated National Park/ Federal Lands. C. 4-6 years ago the land was re-divided along the lower boundary (238 acre area set aside for preservation) they say the site will be preserved in perpetuity- so, they say no need investigate at this point...(future issue to be addressed)

Additional Information:

Separate grubbing permit application Pacific Inc. Kai 46 lots EM Rivera 8-5005:019 & 022...Sites: landscaped lots dictated by County- Hilo... Permanent site numbers should be listed on the construction plans and all associated maps. 14 archaeological sites 5 burial sites 2003 data recovery- inadvertent 2 burials at intersection under road

Kaleo, Clarence and I return to Clarence's hale. Look at 2001 planning department contested case hearing- Wayne Leslie & Jimmy M. lineal & cultural descendant: David Franco (Attourney) Michael Moore (Attorney CMI or Kiilae Estates) Jimmy claiming co-lateral descendant. Clarence is recognized descendant. Kalua family (Rechtman AIS 6 burials identified) Between Napo`opo`o & Ho`okena there are at least 15 opelu ko`a (undocumented) Kaupaipai hundreds of pounds of opelu- Jack Kelley (Protect Keopuka `Ohana) and Jimmy filed suit together. Two appeal cases- one in 2001/2 and 2004- Clarence appealed in 2004. The current developers (Ki`ilae Estates) does not have clear title to the *ahupua`a* of Kauleoli (explanation of 1850s James Atkins sold to Henry Clark: Clark had 2 Hawaiian wives: (separate families but no doubt related- land goes to kids) Clark dies in 1866: Attorney goes to England to obtain Power of Attorney to sell property-2000 Title Insurance Marvin Nahe 3.5 acres; 1/2 of 364 acres (interest) McCandless is the silent partner.

Need accepted Monitoring Plan (clearly specifying details of inadvertent discoveries during monitoring; plan should be inclusive of both archaeological and cultural monitors); Need Addendum completed (Rechtman) to accepted AIS w/Clarence's concerns included and possibly Amendment to existing BTP (or new BTP) to mention the presence of the additional previously unknown Burial Sites.... Need qualified Cultural Historian to process and work closely with archaeologists to resolve outstanding concerns...Need immediate involvement/enforcement of the preservation/restoration of SIHP 23151 (stated in SHPD letter); re-investigate/survey utilizing original metes and bounds to be sure boundary wall is located in original location; Also Need verification of all established preservation buffer zones...

*Alfred Medeiros Jr. (with his wife, Mary Medeiros)
Oral History Interview at Ho'okena – February 11 & 14, 2001 with Kepā Maly
Ki'ilae-Kauleoli and Vicinity, South Kona, Hawai'i*

Alfred Medeiros Jr. was born at Kealakekua in 1927. He is of Hawaiian-Portuguese ancestry. His mother, Mary Kalani, was descended from native families of the Kealakekua-Ka'awaloa vicinity. His father Alfred Medeiros Sr., worked for the Henry Greenwell Ranch until 1936, when he moved his family to the McCandless Ranch. From when he was nine years old, Mr. Medeiros lived at



Honokua, and he began traveling (and eventually working) the Ki'ilae-Honokua lands of the McCandless Ranch. He began working on the ranch in 1941, and as a result of his years of work and his understanding of the unique South Kona Ranching operations and lands, by the mid 1950s, he was appointed ranch foreman. He retired from his job as foreman in 1989.

Mr. Medeiros kindly agreed to share his knowledge of the land, residents, and ranching operations (including cattle movements, land use, and land improvements), presents readers with important background on the lands of Ki'ilae and Kauleoli (and the larger McCandless Ranch holdings). During the interview, Mr. Medeiros also shared descriptions of the larger community (pointing out areas of residence, identifying homes of old families, and various trails between the lands of Keōkea to Ho'okena).

The following points are among those that are of particular interest to the history of the Ki'ilae-Kauleoli study area —

Mr. Medeiros recalled that the following families lived in Ki'ilae and Kauleoli when he was young (some of them continued over to the 1950s), and others, generally associated with the ranching operations, also lived on the lands through the 1960s—

(Keōkea-Ki'ilae boundary vicinity to Kauleoli on the *makai* side of Māmalahoa Highway): Pipī (Kau'inui); Kane (Annie Kau'inui-Kane); Bill

EXHIBIT

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Jack – Johnny Torres; Henry Hose family; and Fujimori at the citrus farm; and (on the *mauka* side of Māmalahoa) there was the McKay house (Alex Dowsett's), above the Hose house in Ki'ilae; and the old Hooper house (above the Fujimori citrus farm).

When discussing the practice of families who he'd heard formerly lived in the Ki'ilae-Ho'okena section, he observed that "They said that all the old folks used to go down the beach, and keep farms *mauka*. That's how they used to make their living." He also recalled that it was the practice of the old *kama'āina* to bury family members in the vicinity of their residence lots.

Mr. Medeiros explained that the McCandless Ranch operation was primarily focused on trapping wild cattle which had proliferated on the land.

While working the ranch land in the Ki'ilae-Kauleoli vicinity, they used the *mauka-makai* trails in both lands, in the early 1950s, they also dozed a road along the Ki'ilae-Keōkea boundary out to the *kula* land where Daniel McKay had formerly had a *kula* farm. The area was developed into a trap for the wild cattle. Cattle were lured into the trap with water which was piped in from the Ki'ilae stream.

Other than the dozing for the ranch roads (a later one put in at Kauleoli as well), Mr. Medeiros does not recall that extensive dozing was done on Ki'ilae or Kauleoli. He also does not recall that there was much chain dragging was undertaken in his tenure at Kauleoli or Ki'ilae.

On the *makai* lands (those situated below Māmalahoa Highway), several traps for the wild cattle were developed. These traps included the: McKay Trap (mentioned above); the Ki'ilae (or Paris) Trap, fronting the Waiku'iakekela area, and watered from the well (with a windmill); the Kauleoli Trap and well, watered by a windmill; and the Kauleoli Trap situated right off of the highway on the north side of the Citrus Farm lot. The old Kauleoli *mauka-makai* trail was on the side of this trap as well.

Mr. Medeiros knew of burials in the field of Ki'ilae-Kauleoli and other ranch lands. He noted that some burial sites on the lands were marked by plantings of roses or wild lilies. By his recollection, it was the policy of the ranch hands to leave such sites alone. He specifically remembers burials associated with the area where Pipi Kau'inui lived (*makai* of Māmalahoa); and around the old Peabody-Henriques House (later Kahikina's residence, *mauka* of Māmalahoa).

He has noticed significant changes in the weather over his life time. Before rains were regular and more abundant. The Ki'ilae stream used to flow down to around Māmalahoa Highway, and the ranch pumped water from about a mile *mauka* of the highway to the McKay Trap on the *kula* lands. There was