

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

draft

August 21, 2008

Geraldine K. Bell, Superintendent
Pu'uhonua o Honaunau National Historical Park
PO Box 129
Honaunau HI 96726

Dear Ms. Bell:

**Subject: Comment on Draft Environmental Assessment for Ki'ilae Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai'i**

Thank you for your comment letter on the Draft EA dated August 14, 2008. Our point by point response to your comments is as follows:

1. *Park Viewscapes and Soundscapes.* When comparing the effects of a project to the "No Action" alternative, which is the true goal of an EA, it is important to identify not only existing "No-Action" conditions but also those likely to prevail in the future. If the agricultural subdivision did not occur, it is likely that the property would be utilized as a ranch or farm, uses which would have few if any permit requirements and potentially as much overall environmental impact as the subdivision. Unless the Park proposes to purchase large quantities of land surrounding it to use as a buffer, it is inevitable, as your letter recognizes, that legal uses on adjacent land will have some effects to noise, night lighting, and views.

As discussed in the Draft EA and acknowledged in your letter, the restrictive CC&Rs will help mitigate many impacts of the low density subdivision. It should be noted that there is a 10-foot buffer from the property line with the National Park that functions as a visual and sound barrier. In response to your request, the developer will provide the National Park Service with a copy of Ki'ilae Farms' CC&R's for its review.

2. *Protection of Physical Park Resources.* We acknowledge that there is at least some potential for this sort of damage to occur. Please note that the three-to-six foot high boundary wall between the properties, which is intact for much of the boundary with some minor breaches, provides a potentially effective buffer that will discourage entry into the Park. SHPD has required a 10-foot preservation buffer from the wall, a condition

which is written into the deed for each property owner. In addition, the developer has retained cultural liaisons to monitor the condition of the archaeological features being preserved within Ki'ilae Farms; the wall will be continually maintained and will have signage delineating the border of the National Park to keep "stray" visitors within the National Park from entering the private property and vice versa. Also, the CC&Rs for the subdivision require fencing for any property that has four-legged animals. The developers would also like to work with the Park to educate subdivision lot owners, residents, farmers and farm workers about the importance of protecting the Park's resources. The Final EA has been amended to list the Park's concern and the value that buffers, along with signage, education and monitoring, can provide in mitigating impacts. The developers are optimistic that a cooperative and neighborly relationship can be established between the subdivision residents and the Park.

We very much appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090. To discuss the Ki'ilae Farms project in more detail, please contact Steve Jiran at (808) 242-8979.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly slanted style. Below the name, there is a horizontal line that tapers to a point on the right side, serving as a decorative flourish or underline.

Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

draft

August 21, 2008

Aric Arakaki, Superintendent
Ala Kahakai National Historic Trail
73-47865 Kanalani Street, Suite 14
Kailua-Kona HI 96740

Dear Mr. Arakaki:

**Subject: Comment on Draft Environmental Assessment for Ki'ilae Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai'i**

Thank you for your comment letter on the Draft EA dated August 7, 2008.

First of all, I would like to point out that the Pu'u Honua o Honaunau National Historical Park was sent an early consultation letter on February 24, 2008, in which it was asked to comment on the subdivision, list any issues and concerns, and inform us if it wanted a copy of the Draft EA. We also provided a contact email and phone number. We did not receive any comments, calls or emails from anyone connected with the National Park Service. When I spoke with Ben Barnett of the Park on August 4, 2008, near the close of the Draft EA comment, he specifically stated that the office *had* received the early consultation letter, but for whatever reason did not respond to it. An indication that your office *also* reviewed the early consultation letter is the subject line of your comment letter, which actually references this letter, and not the Draft EA itself. Although it would have been helpful for the analysis of impacts in the Draft EA to have had a list of your concerns, we would like to ensure that your concerns are addressed in the Final EA.

Secondly, the presence of the Ala Kahakai Trail, as valued as it may be, does not diminish the rights of nearby landowners to exercise legal uses of their property. Unless and until the National Historical Trail proposes to purchase large quantities of land surrounding it to use as a buffer, it is inevitable that legal uses on adjacent land will have some level of effect, which has been known from the moment planning for the trail began. Adjacent landowners and those who need to cross the trail to access their properties or recreational sites have been led to believe that the Ala Kahakai Trail will be a positive enhancement of the 170 miles along which it passes, and not an occasion to exercise takings and unreasonable access restrictions.

Furthermore, please note that when comparing the effects of a project to the "No Action" alternative, which is the true goal of an EA, it is important to identify not only existing "No-Action" conditions but also those likely to prevail in the future. If the agricultural subdivision did not occur, it is likely that the property would be utilized as a ranch or farm, uses which would have few if any permit requirements and potentially as much overall environmental impact as the subdivision.

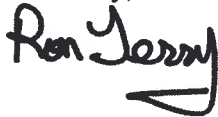
The layout of the subdivision specifically avoids infrastructure closer than 36 feet from Old Government Road (Ala Kahakai Trail), avoiding visual impacts from infrastructure. Although there is no requirement for residents to refrain from cutting vegetation or farming up to their property boundaries near the road/trail, there are building setbacks, and it seems unlikely that the several property owners along this frontage would find it desirable to expose their residences and farming operations to view from those utilizing the road/trail.

According to the developer, vehicular access to and use of the road/trail is not contemplated by the developers or private owners of Ki'ilae Farms. In fact, the developer shares your goal of restricting vehicular traffic, as it would also impact the 2,000 linear feet of subdivision lot frontage along the road/trail. Ki'ilae Farms has allowed an access and utility easement up to the road/trail from the end of its private road for the property makai of the road/trail, which is within the Conservation District. The actual construction and use of this access will be addressed during the appropriate Conservation District Use Permit process. At the present time, there is no vehicle access to the road/trail via the Ki'ilae Farms internal roads.

The developers have shown a willingness to work with the National Park Service for the benefit of all, and they are optimistic that cooperation with your agency can address the issue of vehicular access and help educate subdivision lot owners, residents, farmers and farm workers about the importance of protecting the values of the trail.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090. To discuss the Ki'ilae Farms project in more detail, please contact Steve Jiran at (808) 242-8979.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department
Hawai'i Leeward Planning Conference

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

draft

August 21, 2008

Clarence A. Medeiros Jr.
86-3672 Government Main Road
Captain Cook HI 96704

Dear Mr. Medeiros:

**Subject: Comment on Draft Environmental Assessment for Ki'ilae Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai'i**

Thank you for your comment letter on the Draft EA dated August 2, 2008. Our point by point response to your comments is as follows:

1. *Floodplain.* The flooding area referred to in your comment and the attached newspaper article is about 1,600 feet north of the development, where the Ki'ilae Watercourse crosses the highway. This area is actually within Keokea, not Ki'ilae. As for the actual subdivision, there were County or contractor personnel onsite during or immediately after the rains in the floods of November 2000 and November 2007, and no damage or flooding was observed. The U.S. Army Corps of Engineers has not contacted the landowners to request rights of entry to study any portion of the development, and there is little reason to expect that any new floodplains will be mapped anywhere on the subject property. If new floodplains are mapped, all appropriate floodplain regulations will be fully adhered to. It bears reiteration that infrastructure has already been almost completely built or roughed in.

2. *Archaeological Resources: Site 23151.* The SHPD approved preservation plan for Ki'ilae Farms contains the treatment for this site. Preservation will generally be "as is" with some reconstruction and some enhancement of existing breaches. In the area where the site forms the boundary between Ki'ilae Farms subdivision and the National Park Service (NPS) property, a 10-foot "no grubbing/grading or building" buffer zone will be established on the south side of the wall. Hand clearing of vegetation and vegetation planting will be allowed to occur within this buffer. This 10-foot buffer will extend into the area *mauka* of the Ki'ilae Farms/NPS boundary, at which point it will be expanded to 10 feet on both sides of the wall. This buffer will be subject to the same restrictions that apply to the buffer where Ki'ilae Farms and NPS share a boundary. *Mauka* of the Ki'ilae

Farms/NPS boundary, Site 23151 runs outside of the subdivision in the 96-acre Lot 3, then near the boundary of Lots 8/9, then through Lot 5 and near the boundary between Lots 4/5, then near the boundary between Lots 45/46. It is within Lots 5 and 8 that existing breaches will be enhanced (one enhancement in each lot not to exceed the removal of 20 linear feet of wall) to allow future lot owners access to their entire parcels. Near the boundary between Lots 45 and 46 a roughly 20-foot section of wall will be reconstructed to help maintain the visual *mauka/makai* continuity of this wall. The wall will be surveyed in situ.

3. *Cultural Resources.* According to the research of the archaeologist, the boundary wall (Site 23151) was not built until the Paris era of land tenure in Ki'īlae (post 1903). The archaeological evidence (interpretation of the construction relationship between the wall and the mausoleum) supports the notion that the wall post-dates the mausoleum. The archaeologist acknowledges and respects your alternative opinion. The question of the construction date of this wall does not affect its preservation treatment.

4. *Nomenclature for Ki'īlae-Keanapa'akai Trail.* The archaeologist's research indicates that the wall has been called by various names in various sources. For example, F. Jackson, in a 1966 study contracted by the National Park entitled "Kiīlae Village, South Kona, Hawaii (A Report of its Political, Economic, Social, and Religious History, from Earliest Mention to Modern Times)," conducted many interviews with local residents. He referred to the trail as the "Ki'īlae Mauka Trail." The Final EA will include the information that you have supplied regarding the name.

5. *Donation parcel.* This parcel is contemplated to be donated by the developer to a not-for-profit entity in whole or in part to assist in the preservation and sustenance of the Hawaiian cultural resources of South Kona, both in their social and physical forms. The actual form this takes will take into account community input, including that received from you and other interested parties, as the process moves along.

6. *Appendix 1b: Title issue.* The EA is not the proper forum to dispute issues of title, as it is a legal, rather than environmental, matter.

7. *"Summary of Clarence Medeiros comments and responses" table.* Concerning the question of whether you endorse the opinions of others that you supplied to me in your earlier letter in response to early consultation, the Final EA will clarify in the table you included that some of the information "to show that others shared my concerns and/or had other major concerns with the project." Furthermore, your letter will be published in the FEA, offering interested readers more detailed, point-by-point clarification.

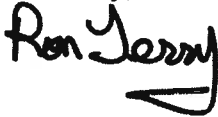
8. *Substantiation of burials.* According to the archaeologist, there is no dispute concerning the records that you have supplied that clearly indicate that people died and were buried in Ki'īlae. However, the records do not identify the locations. There are several cemetery areas in the *makai* portions of Ki'īlae (within the National Park); perhaps it is to burials in these areas that the records refer. Regarding your references to the Kauinui burials, the archaeologist reports that based on historical records that neither

the Kauinui *makai* residence (in Ki'īlae near the intersection of the Ki'īlae trail and the Government Road) nor the *mauka* residence (just below the highway near the Ki'īlae/Keōkea boundary) are within the current development area. Also, the Kauinui farm (Site 23138) is not located within the development area. Regarding the visit of Jenny Pickett, the archaeologist reports that Ms. Pickett's site visit notes are an internal document that according to the Archaeology Branch Chief (Nancy McMahon) do not reflect an official SHPD position. These notes contain several inaccuracies, and the opinions and recommendations expressed are those of Ms. Pickett and not those of SHPD. For these reasons, these notes will not be included in the archaeological report. But with respect to the core issues you summarized, an overall monitoring plan is already contained within the SHPD-accepted data recovery plan, and monitoring has occurred in conformance with the plan throughout the project. Neither the archaeologist nor SHPD believes that amended inventory surveys or burial treatment plans are necessary. The project already includes cultural liaisons to monitor the condition of the archaeological features being preserved within Ki'īlae Farms. As discussed in response to Item 2 above, SIHP 23151 will be preserved and restored, and there is no need for immediate involvement or enforcement. According to the archaeologist and developer, all preservation areas have been properly identified and protected and there is no indication that verification is needed.

9. *Inika Cave*. Site 23200, which you refer to as Inika Cave, is being preserved. The archaeologist reports that they found no archaeological evidence that the cave was used for anything other than burial, and that these burials were likely of Precontact origin. However, the interesting ethnographic information that you report, which potentially adds to the cultural significance of the cave, will be included in the Final EA.

We appreciate your review of the document, and the developer and archaeologist appreciate your concern for the resources of the area. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

draft

August 21, 2008

Milton D. Pavao, P.E., Manager
Hawaii County Department of Water Supply
345 Kekuaanoa Street, Suite 20
Hilo HI 96720

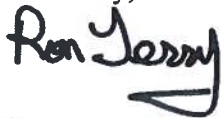
Dear Mr. Pavao:

**Subject: Comment on Draft Environmental Assessment for Ki'ila'e Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai'i**

Thank you for your comment letter on the Draft EA dated August 7, 2008, in which you stated that water was available from DWS's existing 8-inch waterline, that the developer has paid the required facilities charges and has bonded the water system construction, and that the system must be completed in accordance with approved construction plans and be properly dedicated to and accepted by the Water Board.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721
rterry@hawaii.rr.com

draft

August 21, 2008

Lawrence Mahuna, Chief
Hawai'i County Police Department
349 Kapiolani Street
Hilo HI 96720

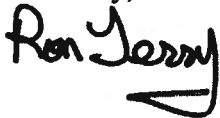
Dear Chief Mahuna:

**Subject: Comment on Draft Environmental Assessment for Ki'ilae Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai'i**

Thank you for your comment letter on the Draft EA dated July 14, 2008, in which you stated that your recommendations remain the same as those provided in your letter of February 28, 2008. Those recommendations were addressed in Section 3.2.2 of the Draft EA.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,



Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department

geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 fax: (866) 316-6988 PO Box 396 Hilo Hawaii 96721

rterry@hawaii.rr.com

draft

August 21, 2008

Clyde Nāmu‘o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 1250
Honolulu HI 96813

Dear Mr. Nāmu‘o:

**Subject: Comment on Draft Environmental Assessment for Ki‘ilae Farms
Subdivision, TMK 8-5-006:001-029; 8-5-007:001-019, South Kona,
Island of Hawai‘i**

Thank you for your comment letter on the Draft EA dated August 7 (and postmarked August 14). Our point by point response to your comments is as follows:

1. Why EA was not required and accomplished earlier. As clearly explained on Page 1 of the DEA, as of June 2007, the Hawai‘i State Department of Transportation began requiring an EA before allowing subdivisions and certain other classes of activity to connect to State Highways. The developer was never informed by any government agency that an EA was required while applying for or undergoing subdivision, because the interpretation of the law at that time did not apply to such uses. It was only when the project was well into construction and the developer resubmitted plans for work in the State right-of-way that the issue emerged. The developer has acted in complete good faith and in full compliance with all laws and regulations throughout the process. In order for OHA to reduce its confusion on future documents, it might be instructive to study the statewide crisis that resulted in the introduction of, debate over, and finally passage of SB 2808 in the 2007 legislation session. The bill as finally passed did not truly solve the problem, and a number of additional “after-the-fact” EAs will be required in the future for projects that are well along in their development process, through no fault of the project owners. There has been no segmentation of the environmental review in this document: the entire project has been considered in the EA.

2. Number of lots. As stated clearly throughout the document, the EA covers 65 lots.

3. Definition of agricultural lots. The lots meet all State and County regulations regarding agricultural lots. Active agricultural lots often contain single-family dwellings.

The conditions you object to have to do with reducing erosion and sedimentation and are commonly imposed when land is being cleared for any purpose. You may be interested to learn that mowed grass and landscaped areas are actually quite common on active farms and ranches.

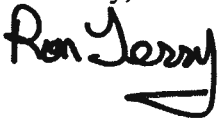
4. *Runoff versus leaching.* There is no inconsistency between the cited statements. Runoff is overland, leaching occurs underground. When comparing the effects of a project to the "No Action" alternative, which is the true goal of an EA, it is important to identify not only existing "No-Action" conditions but also those likely to prevail in the future. If the agricultural subdivision did not occur, it is likely that the property would be utilized as a ranch or farm, uses which would have few if any permit requirements and potentially as much overall environmental impact as the subdivision. The agricultural subdivision would have no more (and perhaps less) effect on water pollution than farming or ranching without the subdivision. I believe your agency's expectation of the appropriate degree of environmental analysis exceeds what is practical or reasonable. The State has been studying water quality for decades and is still unable to provide quantitative correlations, or even firm qualitative connections, between various types of land use and coastal water quality problems in a specific place.

5. *Zoological survey.* Again, comparing the effects of farming or ranching in subdivided lots or on one whole parcel indicates that there will be no additional impacts to zoological resources. The birds you cite overfly many areas of industrial, residential and agricultural uses throughout the island, and complying with the County's lighting ordinance, which requires shielded lighting, is a reasonable way to mitigate for any potential impacts.

6. *Forthcoming cultural review.* In coordination with the cultural specialist for the project, we will respond to that letter when and if we receive it.

We appreciate your review of the document. If you have any questions about the EA, please contact me at (808) 969-7090.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly slanted style. Below the name, there is a horizontal line that tapers to a point on the right side.

Ron Terry, Principal
Geometrician Associates

Cc: Christopher Yuen, Director, Hawai'i County Planning Department

