

geometrician

ASSOCIATES, LLC
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hawai'i 96721 rterry@hawaii.rr.com

November 2, 2007

Dear Agency/Organization Official or Neighboring Resident:

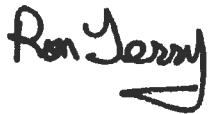
Subject: Early Consultation on Environmental Assessment for Construction of a Residential Structure in the Conservation District at Kalahiki, South Kona TMK 8-6-14:12

I have been contracted by landowner McCandless Ranch to prepare an Environmental Assessment (EA) in compliance with Chapter 343, HRS. The ranch plans to build a residential structure on a 0.20-acre kuleana property, Land Commission award number 9746-C-1, located near the shoreline at Kalahiki, South Kona (see attached map). According to Mahele testimony, the property formerly supported a residence. The EA is necessary because the property is within the State Land Use Conservation District, and the EA will accompany a Conservation District Use Application. This letter is to share information about the project and request your input on site conditions, issues that you wish to be addressed in the EA, and any other concerns you may have.

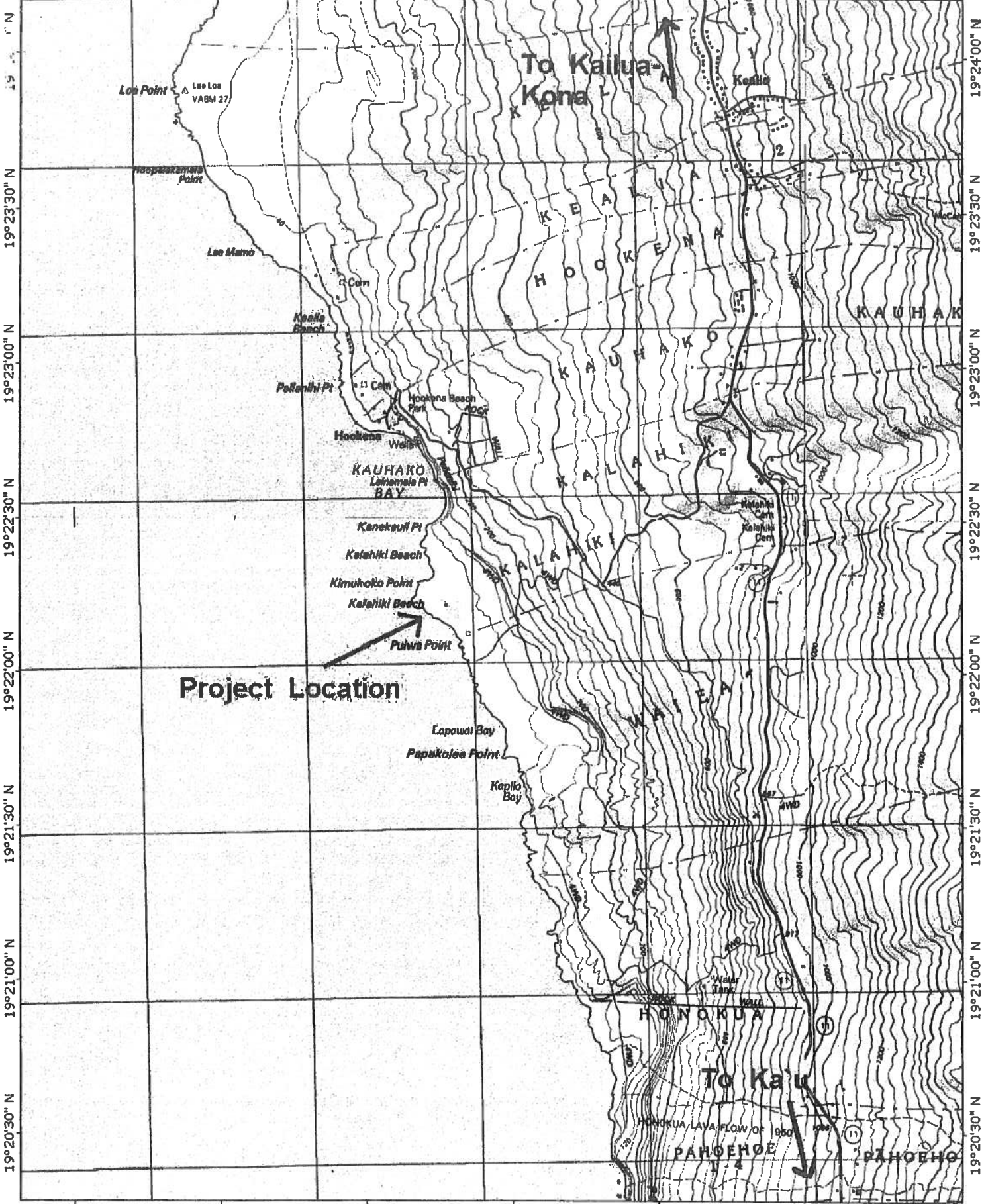
The ranch plans to utilize the residential structure for residential and recreational stays for ranch owners, employees, and guests. The design involves a low, single-story structure. Most of the site will be left basically as-is and there will be minimal disturbance of any natural or man-made features on the property. Associated improvements include a composting toilet and enclosing structure, an electrical generator, a propane tank, a driveway, and minimal landscaping using the species of plants, mostly natives or Polynesian introductions, that are already found in the area. The EA will include illustrations of the design, which are still under development.

The areas of investigation in the EA will include but not be limited to the following: water quality assurance; wastewater treatment; flora, fauna, and ecosystems; traffic impacts; geology, soils, and hazards; flooding and drainage impacts; social, cultural and community impacts; historic sites; and economic impacts. As part of the EA, a certified shoreline survey, a botanical survey, and an archaeological inventory will be conducted. I would appreciate your comments on any special environmental conditions or impacts related to the development. Please contact me at (808) 969-7090 (Big Island) if you have any questions or require clarification. Kindly indicate whether you wish to receive a copy of the EA when completed.

Sincerely,



Ron Terry, Principal
Geometrician Associates



Project Location

To Kailua-Kona

To Kailua



March 3, 2003

Questionnaire for Kalahiki Makai

1. Do you own a parcel in Kalahiki makai? NO

If yes, please answer the following questions:

Can you provide us with a copy of your deed or other proof of ownership?

n/a

Can you locate your parcel and are the perimeters visible?

n/a

Can you provide us with a copy of a modern metes and bounds description or any legal description of your property?

n/a

Have you ever surveyed your property? If yes, how long ago, are the survey pins visible and could you provide us with a survey map?

n/a

Do you know of any other parties that are also claiming ownership in your parcel?

n/a

Do you have title insurance to your property, or have you ever done a title search of your property?

n/a

Can you demonstrate that your parcel is a kuleana that can be traced back to the Great Mahele?

n/a

Have you been paying Real Property Taxes on your property, and for how long?

n/a

Have you ever visited your property in Kalahiki. If yes, how frequently do you visit, how long ago was your last visit and what access did you use?

See attached

EXHIBIT

A

Do you know of any archaeological features on your property?

YES

2. Do you claim to exercise customary or traditional practices in Kalahiki? YES

If yes, please answer the following questions:

Q Are you of Hawaiian ancestry? YES

A Do you have a genealogy that can be traced to the ahupua'a of Kalahiki? If yes, could you provide us a copy of your genealogy. SEE ATTACHED

C Have you historically exercised any traditional or customary practices in Kalahiki? YES

d If yes, on what basis do you claim these rights, what traditional or customary practices have you exercised, how long have you been exercising these practices, how often did you visit Kalahiki to exercise these practices and what had been your access?

SEE ATTACHED

3. Do you own or have you previously owned property in the ahupua'a of Kalahiki? NO

4. Are you presently a "lawful occupant" of Kalahiki. (A lawful occupant of Kalahiki is defined as an actual current resident of the ahupua'a.)

NO

5. Were you a party to the Quiet Title action pertaining to Kalahiki (United States of America, Plaintiff, vs. The Les Marks Trust, Defendants CV. NO. 97-01395 DAE)?

YES

6. Is there any other claim you may have to the area? If yes, what is the factual and legal basis for your claim?

SEE ATTACHED

7. Do you know of any other party that is claiming any parcel or right in Kalahiki? If so, please advise us of the name of the claimant and the rights of interests they claim.

SEE ATTACHED

8. Can you identify any valued cultural, historical, or natural resources in the Kalahiki makai area and provide any information you have as to the extent to which traditional and customary native Hawaiian rights are exercised in the Kalahiki makai area. Please provide as much detail as you can with respect to the identity and scope of the resources and practices and the identity of persons or persons exercising such practices.

YES

9. Are you familiar with any old trails or roads in this area, especially any mauka/makai access trails?

YES

10. Are you familiar with any of the historic ranching activities in this area (livestock pens, water pens, windmills, water wells)?

SOMEWHAT

Please answer whatever questions may apply to you, sign and date your response and return to McCandless Land & Cattle Co. Attn: Keith Unger POB 500 Honaunau, Hi. 96726. Also please enclose a copy of any documents that will help to verify your claim to Kalahiki (deed, title report, genealogy, maps, legal descriptions.) I have enclosed a copy of a TMK map for your use and/or for your files. Please feel free to mark on the map and to return it with this questionnaire.

Thank you for your cooperation in filling out this questionnaire. I will provide to you a summary of the responses as well as our progress in developing an access agreement to Kalahiki makai.

Please feel free to contact Keith Unger at McCandless Land & Cattle Co. 808-328-8246, with any questions.

**Attachment to the
Questionnaire for Kalahiki Makai**

1. Do you own a parcel in Kalahiki makai?

Have you ever visited your property in Kalahiki. If yes, how frequently do you visit, how long ago was your last visit and what access did you use?

Answer: I do not own a parcel in Kalahiki makai, however, because there has been no judicial determination by quiet title action and/or by probate done in the ahupua'a of Kalahiki below of the 2000 ft. elevation and in the kuleana within, my grandmother and other family members have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki, per Probate No. 91-187.

My last visit was about five years ago and I visit occasionally as the need arises. My access is unrestricted. One of my traditional and customary practices is hunting and gathering for subsistence which follows no designated path, trail, road, etc. Other accesses that I use to visit Kalahiki include: The Waiea mauka/makai trail, the mauka/makai trail and Ala Kahakai in Honokua, the Kalanipo'o Road aka the Old Gov't. Road that runs in and/or through Honokua, Waiea and Kalahiki.

2. Do you claim to exercise customary or traditional practices in Kalahiki?

Do you have a genealogy that can be traced to the ahupua'a of Kalahiki? If yes, could you provide us a copy of your genealogy.

Answer: Yes. Refer to Michael Gibson, RE: Civil 97-01395 DAE.

If yes, on what basis do you claim these rights, what traditional or customary practices have you exercised, how long have you been exercising these practices, how often did you visit Kalahiki to exercise these practices and what had been your access?

Answer: Because there has been no judicial determination by quiet title action and/or by probate done in the ahupua'a of Kalahiki below of the 2000 ft. elevation and in the kuleana within, my grandmother and other family members have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki per Probate No. 91-187. My traditional and

customary practices include:

Gathering of medicinal and ornamental plants, foliage and flowers
Hunting and gathering for subsistence
Fishing
Gathering wood for cooking
Give ho'okupu and to malama our 'ohana *iwi* and *piko* burials, both ground and cave.
Access to spring water
Cutting logs

Also see answer to question #1.

6. **Is there any other claim you may have to the area? If yes, what is the factual and legal basis for your claim?**

There is a fresh water spring there and I claim access rights to those waters. The ground water in Hawai'i does not belong to the landowner but to the State of Hawai'i.

7. **Do you know of any other party that is claiming any parcel or right in Kalahiki? If so, please advise us of the name of the claimant and the rights or interests they claim.**

Answer: Heirs of McCandless, Toomey 'Ohana, Kekuewa 'Ohana, Fukushima 'Ohana, Moa 'Ohana, Takaki 'Ohana, Puhipau 'Ohana, State of Hawaii, County of Hawaii, Evangelical Assn.

NOTE: Be advised that my participation in the answering of this survey in no way constitutes admission, acceptance or recognition of McCandless Land & Cattle Co.'s assertion to exclusive ownership in the ahupua'a of Kalahiki below of the 2000 ft. elevation. To date, no judicial determination of ownership by quiet title action has been performed on the subject property and on the kuleana within.

3 1797

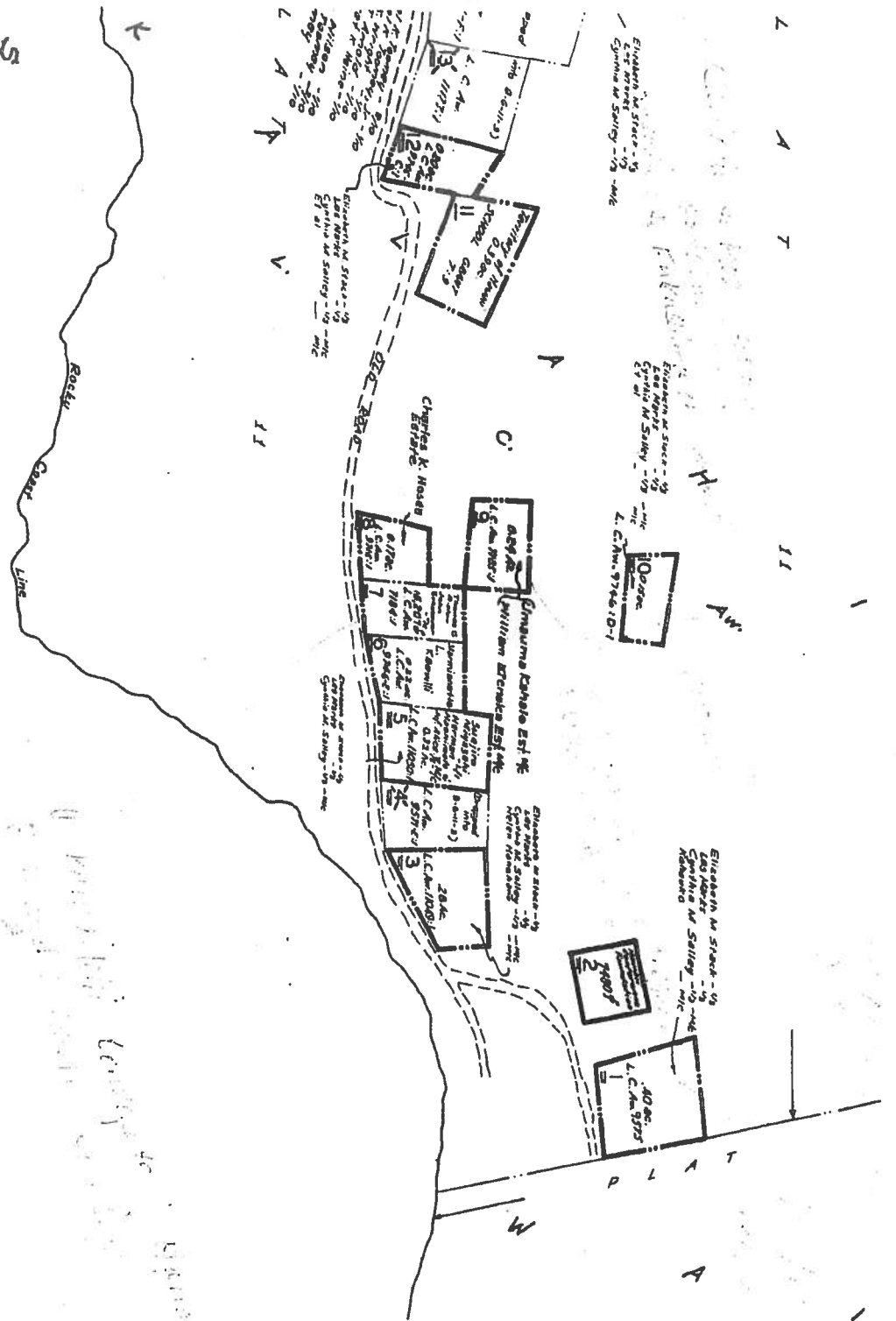
Parcel dropped: N. 4, 12, 17, 18,

THIRD ZONE	DIVISION SEC.	PLAT
8	6	14

CONTAINING PARCELS
SCALE: 1 in = 100 ft.

PRINTED

ADVANCE SHEET
SUBJECT TO CHANGE



DATE: October 30, 1996

TO: Planning Commission of the County Of Hawaii

FROM: Clarence A., Sr. & Pansy Medeiros
86-3666 Mamalahoa Hwy.
Captain Cook, Hawaii 96704

SUBJECT: Application for Special Permit to allow the establishment of a two-bedroom Bed & Breakfast facility by Raymond & Cynthia Salley/ McCandless Ranch

We oppose the application for a Special Permit to allow the establishment of a two-bedroom Bed & Breakfast facility by the above-mentioned applicants as per the Notice of Public Meeting & Public Hearings dated October 10, 1996.

Our opposition is based on the following:

- 1- Will the present zoning on the subject property allow for a second dwelling for other than farm use (i.e., Ag-3, Ag-5, Ag-10)? If not, will the present zoning for the subject property allow for a commercial building?
- 2- The proposed Bed & Breakfast facility which, in fact, already exists, is built on land not entirely owned by the Salley/McCandless Ranch. The facility sits within a 3.28 acre site which encroaches on a Kuleana identified as L.C. Aw. 9571-F. This 3.28 acre site is part of a 20 acre parcel identified as TMK 8-6-4-11 which NEVER went through quiet title action.
- 3- The facility encroaches on property owned by Annie Weeks and others whose heirs include Pansy W. Medeiros, Charles Hua, Kenneth Takaki and others. The probate of Annie Weeks include TMK 8-6-01-1 & L.C. Aw. 9571-F.

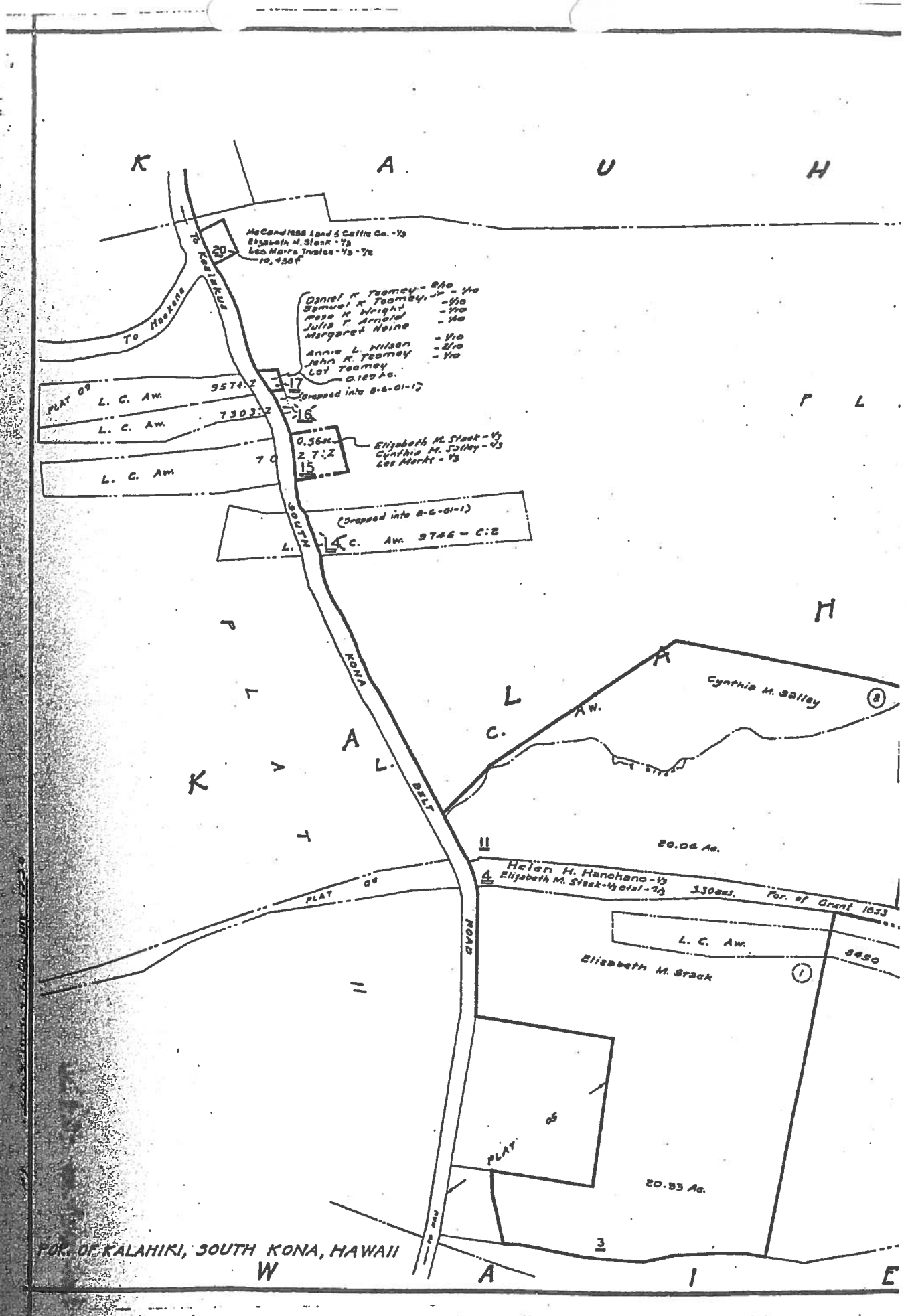
EXHIBIT

C

- 4- Why is advertising for the already existing Bed & Breakfast facility preceding the very application for its establishment?
- 5- Insufficient time to gather ALL possible opposition.
- 6- We are descendants of Kinimaka, the original awardee of the Ahupua'a of Kalahiki.

Supporting documentation is attached.

NOTE: This informational booklet was prepared and compiled by Clarence A., Jr. & Nellie J. Medeiros and distributed to all members of the Planning Commission for the benefit of Clarence A., Sr. & Pansy W. Medeiros.



McCandless Land & Cattle Co. - 1/2
 Elizabeth M. Stack - 7/8
 L&C. Harp. Trustee - 7/8 - 7/8
 10.456 A.

Daniel K. Toomey - 2/10 - 1/2
 Samuel K. Toomey - 1/10
 Ross K. Wright - 1/10
 Julia K. Arnold - 1/10
 Margaret Heine - 1/10
 Annie L. Wilson - 2/10
 John K. Toomey - 1/10
 Lot Toomey
 0.129 A.

Elizabeth M. Stack - 1/2
 Cynthia M. Salley - 1/2
 Geo. Marks - 1/2

(Dropped into B-6-01-1)

L. C. Aw. 9746 - C:2

20.06 Ac.
 Helen H. Hanohano - 1/2
 Elizabeth M. Stack - 1/2
 330 acs. For. of Grant 1033

L. C. Aw.
 Elizabeth M. Stack
 8650

20.55 Ac.

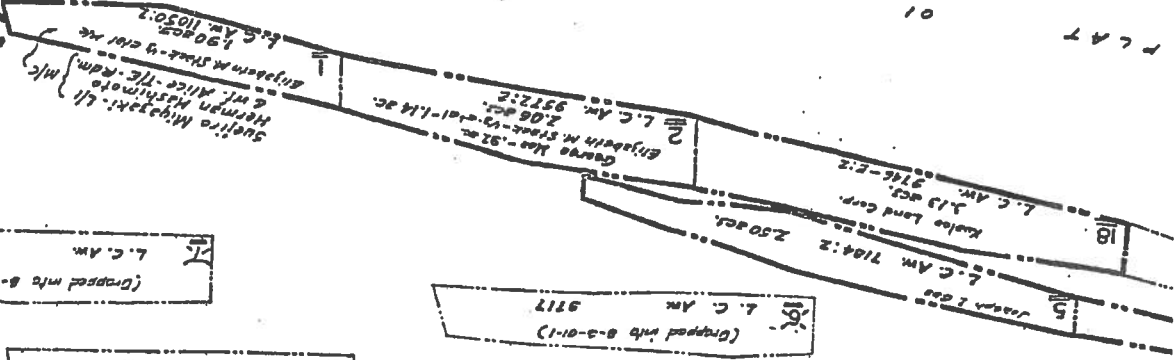
FOR. OF KALAHIKI, SOUTH KONA, HAWAII

THIRD DIVISION		
8	6	04
CONTAINING PARCELS		
SCALE: 1 in. = 200 ft		

ADVANCE SHEET
SUBJECT TO CHANGE

Parcels Dropped: 0, 7, 8, 12, 13, 14, 16

3 1747



(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

(Dropped mts 8-6-91-1)
L.C. Am. 9717

(Dropped mts 8-6-91-1)
L.C. Am. 9571-C-2

(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

(Dropped mts 8-6-91-1)
L.C. Am. 9746-D12

This North
Street 17-200

A K O

K

01

0:3

P L A T

A