

**Dennis Ka'ui Hart  
P.O. Box 1441  
Kealahou, HI 96750**

July 28, 2008

Geometrician Associates LLC  
P.O. Box 396  
Hilo, HI 96721

**RE: Early consultation for Environmental Assessment for construction of a residential structure in the Conservation District of Kalahiki, South Kona, TMK (3) 8-6-14:12**

Aloha,

My name is Dennis Ka'ui Hart and I am the President of Na Hoa Aloha o ka Pu'u honua O Honaunau, a non-profit organization that helps support the National Historic Park in its preservation and perpetuation of programs and objectives, including trail maintenance.

Also, I am on the advisory Board of the Ala Kahakai Trail Association, another non-profit organization which partners with the Ala Kahakai National Historic Trail of the U.S. Department of the Interior. In this capacity, I work with a group of dedicated volunteers who have been clearing our trails every weekend for two years.

Our group consists of local ahupua'a descendants and South Kona residents. Our goal is to establish an Adopt-a-Trail program, through which interested descendants of the land, organizations, and individuals care for their own section of these trails and conduct guided walks for educational purposes. Eventually we intend to connect all the ancient villages along the entire 176 mile Ala Loa Trail or King's Trail.

The Ala Loa and the Ala Kahakai/stepping stone trails, along with mauka-makai trails, are located within the Kalahiki ahupua'a. The proposed residential structure at TMK (3) 8-6-14:12 also lies within this ahupua'a. I would like to provide comments to the Environmental Assessment for the construction of this residence.

The Ala Kahakai/stepping stone trail runs right in front of the above-mentioned parcel. This is a public right-of-way and should not be blocked or altered. The trail is identified in the Map of Kauhako Land and Vicinity by J.S. Emerson, surveyor, May 1883, Reg#985. This map also identifies the Ala Loa and the map predates the Highway Act of 1892. Therefore, preservation of this trail is of the highest importance to our descendants and the integrity of the Ala Kahakai National Historic Trail.

Therefore we are making the following requests to ensure appropriate development of this parcel in the context of this historic treasure:

- 1) Preserve and protect the Ala Kahakai/stepping stone trail by assigning a full-time archaeologist to monitor construction crews and any machine work done before and during construction of the residence. Accidental destruction of the trail should not be possible with such monitoring.
- 2) A minimum set back of 50' from the property line bordering the trail, to ensure mauka views planes and an appropriate reverence for the importance of the trail.
- 3) Mauka view planes should be preserved by restricting the residence to one story with a maximum height limit of 20'. The structure should be designed in such a way as to fit in with the natural character and ambiance of the area, and not dominate the environment in the area of the trail.
- 4) The landowner must not endeavor to block access to the Ala Kahakai Trail or the Ala Loa Trail.
- 5) The landowner must not endeavor to block access or destroy associated mauka-makai trails, and must allow descendents and kuleana owners unrestricted access to their kuleana parcels.

We would also like the preservation plan to include a provision for ahupua'a descendents and trail preservation groups such as ours unrestricted access to the trails for maintenance, education, as well as customary traditional, religious and cultural practices.

I appreciate your kind attention to these matters, which are of great importance to native Hawaiians. Your attention to these matters will ensure the integrity of this section of the 176 mile long Ala Kahakai Trail. I may be contacted at the address above, email [dennishart47@yahoo.com](mailto:dennishart47@yahoo.com) or at my cell #937-6039.

Mahalo,



Dennis Ka'ui Hart

Cc: U.S. Representative Mazie Hirono  
Brenda Ford, Hawaii County Council  
Robert Jacobsen, Hawaii County Council  
Morgan Davis, State of Hawaii Historic Preservation Division  
Clem Chang, DLNR Forestry Division  
Randy Lavato, Hawaii County Planning Department

DATE: March 27, 2008  
TO: Ron Terry, Geometrician Associates  
FROM: Clarence A. Medeiros, Jr.  
SUBJECT: Early Consultation on Environmental Assessment for Construction of a Residential Structure in the Conservation District at Kalahiki, South Kona, TMK 8-16-14:12.

I would like to provide input on site conditions and other issues and concerns that will/may impact cultural and historic sites due to the proposed construction project and attach documentation to support those issues and concerns.

**EXHIBIT A:** March 2003 Questionnaire for Kalahiki Makai in Civil No. 97-013995 DAE, USA vs. 2,145 Hectares, Les Marks Heirs, et al.

- There has been no judicial determination by quiet title action and/or by probate done for the ahupua'a of Kalahiki below the 2000' elevation and for the kuleana within.
- My grandmother and other family members may have a potential outstanding interest in the kuleana located within mauka and makai Kalahiki, per Probate No. 91-187 of Annie Weeks.
- I exercise customary and traditional practices in Kalahiki. 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 Honokua mauka/makai trail, the Ala Kahakai, the Ala Loa, the Kalanipo'o Road that runs in, to and through Honokua, Waiea, and Kalahiki.
- My customary practices include but are not limited to: Gathering of medicinal and ornamental plants, foliage, and flowers; hunting, fishing and gathering for subsistence; 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.
- There is a fresh water spring in Kalahiki and I claim access rights to those waters.

- Families that have an interest in Kalahiki include the Toomey 'ohana, Kekuewa 'ohana, Fukushima 'ohana, Moa 'ohana, Takaki 'ohana, Puhipau 'ohana, Keala 'ohana, Kaleohano 'ohana, Umauma 'ohana, and the Evangelical Association.

**EXHIBIT B: TMK 8-6-14 Map**

This map identifies the Ala Kahakai as the "Old Road" that runs in front of the subject parcel. The Ala Kahakai is a right of way and should not be blocked or altered.

**EXHIBIT C: October 30, 1996 Hawaii County Planning Commission written testimony**

I am a relative of Kinimaka, the original awardee of the ahupua'a of Kalahiki.

Probate No. 91-187, Estate of Annie Hua aka Annie Ah Sing Weeks. Annie Hua (aka Annie Aman Sing Hua Weeks) is my maternal grandmother and her probate lists her undivided interest in numerous real property, to include an undivided interest in portions of Kalahiki.

**EXHIBIT D: Affidavit of Clarence A. Medeiros, Sr.**

My father, at various times of his life, lived in Kalahiki. His great grandfather, John Mokuohai Puhalahua, was a renown master carver of koa canoes. Mokuohai planted and harvested ti plants in Kalahiki and also had several taro patches in Kalahiki. He also hunted the unbranded wild cattle that roamed unrestrained throughout the ahupua'a of Kalahiki, salted the meat and sold it. He would also drive wild goats into a stone goat pen. He would slaughter the goats, skin them, dry the meat and sell it. He also harvested ohia wood from the forests in Kalahiki and then sold it to the supply ships who used it for fuel. He also harvested guava in Kalahiki for charcoal. His ancestors cultivated taro, harvested guava, hapu'u, ohia, and koa and hunted wild cattle and raised their pigs, donkeys, and cattle in Kalahiki. Mokuohai used and cared for the lands in Kalahiki because his cousin, Kinimaka, the original LCA awardee of Kalahiki, lived most of the time in Holualoa, North Kona.

**EXHIBIT E: Assessment on Traditional Cultural Practices Related to Burial Sites**

The practice of keeping portions of your loved ones remains in close proximity is a traditional Hawaiian practice. Iwi of family members were often buried in or around the place of dwelling to provide a sense of proximity for both security and companionship. Occasionally they buried their dead in sequestered places, at a short distance from their habitations, but frequently in their gardens, and sometimes in their houses. These views are supported by archaeological evidence today when burials are found directly incorporated into house platforms. Burying loved ones under or near ones home is a traditional Hawaiian practice. Traditionally, a family had an area where they would lay to rest member of their 'ohana. Such a place could be under or near the home, in a family cave or in a portion of a sand dune.

**EXHIBIT F: John Reinecke's 1930  
Survey of Hawaiian Sites from Kailua-Kona to Kalahuipua'a**

Along the coastline of Kalahiki, Reinecke found yards with well-built walls and with the church, it indicated a considerable population. Half of the yards bore signs of house sites. Two paved paths ran mauka besides other well-defined unpaved paths. The cliffs Palianihi was certainly used for burials and Reinecke's report cites Stokes as identifying a heiau called Pokaa located by the Old Government Road in Kalahiki.

**EXHIBIT G: Kona Historical Society research information on Kalahiki**

Two murdering chiefs served under Kamehameha. They killed people at Kalahiki and Kealia and used their bodies for shark bait. (Kamakau 1961, Ruling Chiefs, page 232).

According to Z. P. Kalokuokamaile, the reason for the bestowal of the name of Kalahiki was for the men's work on the chief's day (la ko'ele). When the tenants gathered at the place of work, they did not work right away. When the sun came up, then they worked. So it was every day, it was their watch (clock). For this was the bestowal of the name of this land, Kalahiki: the sun's arrival.

**EXHIBIT H: Boundary Commission Testimony of Palea (k)**

Palea (k), sworn, was born at Kalahiki and testifies that the lands of Kalahiki have ancient fishing rights extending out to sea. Palea is my maternal great-great-granduncle.

**EXHIBIT I: May 1883, Reg. #985, Map of Kauhako Landing & Vicinity  
by J. S. Emerson, Surveyor**

This map illustrates that the Ala Loa and the Ala Kahakai, aka Stepping Stone Trail, are two separate and distinct right of ways and predates the Highways Act of 1892.

**The developer must:**

- Preserve and protect Old Road aka Ala Kahakai.
- Not block access to Old Road aka Ala Kahakai.
- Not block access to mauka-makai trail(s) and allow descendants to access their kuleana.
- Allow descendants of Kalahiki to exercise their traditional and cultural practices, to include their ancient fishing rights.