

March 22, 2012

Roy A. Vitousek III
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B. J. Leithead Todd
Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

PLANNING DEPARTMENT
COUNTY OF HAWAII
2012 MAR 27 PM 3:43

Rc: **SMA Use Permit Assessment Application (SAA 09-000490)**
SMA Minor Permit (SMM 09-000130)
for Construction of Single-Family Residence and Driveway
Applicants: Keith and Cynda Unger
Owner: McCandless Land & Cattle Company, LLC
Request: Construct a Single-Family Residence on Parcel 8-6-014: 012 and
Grade an Access Driveway Across Parcel 8-6-011: 003
TMK Nos.: 8-6-014: 012 and 8-6-011: 003;
Por. Kealia 2nd to Kalahiki, South Kona, Hawaii

Dear Ms. Leithead Todd:

This follows up on our meeting on March 19, 2011, and is a request for an after-the-fact extension of the two-year deadline to obtain a Building Permit for the single-family residence and related activities as provided in Conditions 3 of SMA Minor Permit No. 09-000130 and SMA exemption determination (SAA 09-000490) dated October 21, 2009.

As you are aware, this office represents Keith and Cynda Unger in obtaining the necessary state and county permits and approvals to build a single family residence on a *kuleana* (TMK 8-6-014: 012) owned by McCandless Land & Cattle Company, LLC ("McCandless Ranch"), at Kalahiki, South Kona, Hawaii. The Ungers obtained the SMA exemption determination for the Planning Department as well as the above-described SMA Minor Permit in conjunction with a Conservation District Use Permit (CDUP HA-3518).

The Ungers request a two-year extension (to October 21, 2013) pursuant to Condition 12 of SAA 09-000490 and Condition 7 of SMM 09-000130 to obtain a Building Permit and to complete the grading activity. The Ungers were unable to timely comply with the conditions of the above-referenced permits due to the length of time required by State Historic Preservation Division to review and approve the archaeological monitoring plan (a copy is attached) for the grading activity and the unforeseen financial

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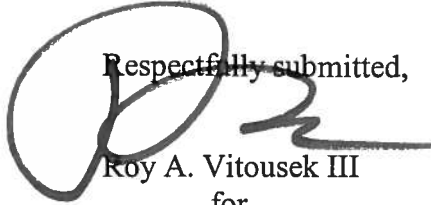
B. J. Leithead Todd, Planning Director

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circumstances of Applicant at the time the applicable permitting process was completed. The plans allowed under the permits remain the same and the Ungers would like to proceed with obtaining a Building Permit and grading the access to the *kuleana* lot for their single-family home.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Roy A. Vitousek III', is written over the typed name.

Roy A. Vitousek III

for

CADES SCHUTTE

A Limited Liability Law Partnership

RAV:bah

encl.

cc: Keith Unger

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM M. TAM
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AQUATIC RESOURCES
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BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

February 14, 2011

Robert B. Rechtman, Ph. D.
Rechtman Consulting, LLC
507-A East Lanikaula Street
Hilo, Hawai'i 96720
(bob@rechtmanconsulting.com)

LOG NO: 2010.3619
DOC NO: 102TD07

Dear Dr. Rechtman:

Subject: **Chapter 6E-42 Historic Preservation Review –
Draft Archaeological Monitoring Plan for Residential Development
Kalāhiki Ahupua'a, South Kona District, Island of Hawai'i
TMK: (3) 8-6-014: 012**

Thank you for requesting our review of the draft plan titled *Archaeological Monitoring Plan for Residential Development Activities on TMK: 3-8-6-14:012, Kalāhiki Ahupua'a, South Kona District, Island of Hawai'i*, R.B. Rechtman, July 2010. We apologize for the delay in responding to this submittal, which was received in our office July 21, 2010. Due to the lateness of our review, we will not request revisions to this document.

We ask that in the future, you include more information about the nature and extent of proposed construction that is to be monitored under the plan. Normally, a site plan showing locations of proposed structures, waterlines, roadways, ancillary building, etc. is provided. This information provides more certainty regarding the scope of monitoring, which is not clear in this plan. For example, on page 20 you state that "A qualified archaeological monitor will be present during the ground-disturbing activities associated with the development of the single-family residence." The development process can be a long-term effort that involves multiple construction phases and various types of land alteration that may not occur at the time the main dwelling is constructed. We take the statement on Page 20 to mean that this plan will be in effect any time that land alteration occurs on the subject property. Please ensure that your client has this understanding as well; or please clarify the scope of work as intended for this plan.

The report is approved, pursuant to HAR §13-279. Please send one hardcopy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention of "SHPD Library". If you are clarifying the scope of work, please include those revisions in the final version.

Please contact me at 933-7653 or Theresa.K.Donham@hawaii.gov if you have any questions or responses to this letter.

Aloha,

A handwritten signature in black ink, appearing to read "Theresa K. Donham".

Theresa K. Donham
Acting Archaeology Branch Chief
Historic Preservation Division